

House File 825 - Enrolled

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HOUSE FILE 825

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AN ACT
RELATING TO AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF
HUMAN SERVICES, THE DEPARTMENT OF ELDER AFFAIRS, THE IOWA
DEPARTMENT OF PUBLIC HEALTH, THE COMMISSION OF VETERANS
AFFAIRS AND THE IOWA VETERANS HOME, AND THE DEPARTMENT OF
INSPECTIONS AND APPEALS, PROVIDING FOR FEE INCREASES, AND
INCLUDING OTHER RELATED PROVISIONS AND APPROPRIATIONS, AND
PROVIDING EFFECTIVE DATES.

1 12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 13

1 14 DIVISION I
1 15 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 16 ELDER AFFAIRS

1 17 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 18 appropriated from the general fund of the state to the
1 19 department of elder affairs for the fiscal year beginning July
1 20 1, 2005, and ending June 30, 2006, the following amount, or so
1 21 much thereof as is necessary, to be used for the purposes
1 22 designated:

1 23 For aging programs for the department of elder affairs and
1 24 area agencies on aging to provide citizens of Iowa who are 60
1 25 years of age and older with case management for the frail
1 26 elderly, the retired and senior volunteer program, resident
1 27 advocate committee coordination, employment, and other
1 28 services which may include, but are not limited to, adult day
1 29 services, respite care, chore services, telephone reassurance,
1 30 information and assistance, and home repair services, and for
1 31 the construction of entrance ramps which make residences
1 32 accessible to the physically handicapped, and for salaries,
1 33 support, administration, maintenance, miscellaneous purposes,
1 34 and for not more than the following full-time equivalent
1 35 positions with the department of elder affairs:

2 1 \$ 2,792,116
2 2 FTEs 27.75

2 3 1. Funds appropriated in this section may be used to
2 4 supplement federal funds under federal regulations. To
2 5 receive funds appropriated in this section, a local area
2 6 agency on aging shall match the funds with moneys from other
2 7 sources according to rules adopted by the department. Funds
2 8 appropriated in this section may be used for elderly services
2 9 not specifically enumerated in this section only if approved
2 10 by an area agency on aging for provision of the service within
2 11 the area.

2 12 2. Of the funds appropriated in this section, \$174,198
2 13 shall be transferred to the office of the governor for the
2 14 Iowa commission on volunteer service to be used for the
2 15 retired and senior volunteer program.

2 16 HEALTH
2 17 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
2 18 appropriated from the general fund of the state to the Iowa
2 19 department of public health for the fiscal year beginning July
2 20 1, 2005, and ending June 30, 2006, the following amounts, or
2 21 so much thereof as is necessary, to be used for the purposes
2 22 designated:

2 23 1. ADDICTIVE DISORDERS

2 24 For reducing the prevalence of use of tobacco, alcohol, and
2 25 other drugs, and treating individuals affected by addictive
2 26 behaviors, including gambling, and for not more than the
2 27 following full-time equivalent positions:

2 28 \$ 1,759,020
2 29 FTEs 7.45

2 30 The department and any grantee or subgrantee of the
2 31 department shall not discriminate against a nongovernmental
2 32 organization that provides substance abuse treatment and
2 33 prevention services or applies for funding to provide those
2 34 services on the basis that the organization has a religious
2 35 character.

3 1 Of the moneys appropriated in this subsection, \$30,310
3 2 shall be used to continue to provide funding to local
3 3 communities that have previously received funding from the
3 4 centers for disease control and prevention of the United
3 5 States department of health and human services for secondhand

3 6 smoke education initiatives.
 3 7 2. ADULT WELLNESS
 3 8 For maintaining or improving the health status of adults,
 3 9 with target populations between the ages of 18 through 60:
 3 10 \$ 304,067
 3 11 3. CHILD AND ADOLESCENT WELLNESS
 3 12 For promoting the optimum health status for children and
 3 13 adolescents from birth through 21 years of age, and for not
 3 14 more than the following full-time equivalent positions:
 3 15 \$ 915,761
 3 16 FTEs 6.65
 3 17 4. CHRONIC CONDITIONS
 3 18 For serving individuals identified as having chronic
 3 19 conditions or special health care needs, and for not more than
 3 20 the following full-time equivalent positions:
 3 21 \$ 1,265,342
 3 22 FTEs 1.35
 3 23 Of the funds appropriated in this subsection, not more than
 3 24 \$100,000 shall be used to leverage federal funding through the
 3 25 federal Ryan White Care Act, Title II, AIDS drug assistance
 3 26 program supplemental drug treatment grants.
 3 27 5. COMMUNITY CAPACITY
 3 28 For strengthening the health care delivery system at the
 3 29 local level, and for not more than the following full-time
 3 30 equivalent positions:
 3 31 \$ 1,264,299
 3 32 FTEs 9.90
 3 33 Of the funds appropriated in this subsection, \$100,000 is
 3 34 allocated for a child vision screening program implemented
 3 35 through the university of Iowa hospitals and clinics in
 4 1 collaboration with community empowerment areas.
 4 2 6. ELDERLY WELLNESS
 4 3 For optimizing the health of persons 60 years of age and
 4 4 older:
 4 5 \$ 9,233,985
 4 6 7. ENVIRONMENTAL HAZARDS
 4 7 For reducing the public's exposure to hazards in the
 4 8 environment, primarily chemical hazards, and for not more than
 4 9 the following full-time equivalent positions:
 4 10 \$ 401,808
 4 11 FTEs 1.50
 4 12 The amount appropriated in this subsection includes
 4 13 \$150,000 in additional funding for childhood lead poisoning
 4 14 prevention activities for counties not receiving federal
 4 15 funding for this purpose, and of this amount, \$50,000 is
 4 16 allocated for a pilot project to address lead poisoning
 4 17 prevention and remediation activities in a three-county
 4 18 program in north central Iowa with a combined population of at
 4 19 least 50,000.
 4 20 8. INFECTIOUS DISEASES
 4 21 For reducing the incidence and prevalence of communicable
 4 22 diseases, and for not more than the following full-time
 4 23 equivalent positions:
 4 24 \$ 1,078,039
 4 25 FTEs 5.25
 4 26 9. INJURIES
 4 27 For providing support and protection to victims of abuse or
 4 28 injury, or programs that are designed to prevent abuse or
 4 29 injury, and for not more than the following full-time
 4 30 equivalent positions:
 4 31 \$ 1,379,258
 4 32 FTEs 1.80
 4 33 Of the funds appropriated in this subsection, not more than
 4 34 \$670,214 shall be used for the healthy opportunities to
 4 35 experience success (HOPES) = healthy families Iowa (HFI)
 5 1 program established pursuant to section 135.106. The
 5 2 department shall transfer the funding allocated for the HOPES=
 5 3 HFI program to the Iowa empowerment board for distribution and
 5 4 shall assist the board in managing the contracting for the
 5 5 funding. The funding shall be distributed to renew the grants
 5 6 that were provided to the grantees that operated the program
 5 7 during the fiscal year ending June 30, 2005.
 5 8 Of the funds appropriated in this subsection, \$643,500
 5 9 shall be credited to the emergency medical services fund
 5 10 created in section 135.25.
 5 11 10. PUBLIC PROTECTION
 5 12 For protecting the health and safety of the public through
 5 13 establishing standards and enforcing regulations, and for not
 5 14 more than the following full-time equivalent positions:
 5 15 \$ 6,964,033
 5 16 FTEs 110.05

5 17 The office of the state medical examiner and the
5 18 commissioner of public safety shall give consideration to a
5 19 proposal offered by Polk county for the state criminalistics
5 20 laboratory to share facilities with Polk county.

5 21 11. RESOURCE MANAGEMENT

5 22 For establishing and sustaining the overall ability of the
5 23 department to deliver services to the public, and for not more
5 24 than the following full-time equivalent positions:

5 25 \$ 1,073,884
5 26 FTEs 3.00

5 27 12. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

5 28 The purpose of this subsection is to create a formal
5 29 network of safety net providers to do all of the following:
5 30 preserve and expand the health care safety net for vulnerable
5 31 Iowans; emphasize preventive services and disease management,
5 32 reduction of errors, continuity of care, and the medical home
5 33 concept; recognize that safety net providers are the primary
5 34 means of access to health care for the uninsured in this
5 35 state; and provide a mechanism to identify the extent to which
6 1 the uninsured in this state access health care safety net
6 2 providers. Of the amount appropriated in this division of
6 3 this Act for the medical assistance program, \$1,100,000 is
6 4 transferred to the appropriations made in this subsection.
6 5 The amount transferred is allocated as follows:

6 6 a. To contract for a program to develop an Iowa
6 7 collaborative safety net provider network:

6 8 \$ 450,000

6 9 (1) The Iowa department of public health shall issue a
6 10 request for proposals to select the most qualified applicant
6 11 to develop and administer an Iowa collaborative safety net
6 12 provider network that includes community health centers, rural
6 13 health clinics, free clinics, and other safety net providers.
6 14 The department shall coordinate conditions of the request for
6 15 proposals with the data and information requirements of the
6 16 task force on indigent care created pursuant to section
6 17 249J.14A, as enacted by 2005 Iowa Acts, House File 841,
6 18 section 16. The request for proposals shall also require the
6 19 person awarded the contract to enroll as a member of the task
6 20 force on indigent care. The person awarded the contract shall
6 21 do all of the following:

6 22 (a) Establish an Iowa safety net provider advisory group
6 23 consisting of representatives of community health centers,
6 24 rural health clinics, free clinics, other safety net
6 25 providers, patients, and other interested parties.

6 26 (b) Develop a planning process to logically and
6 27 systematically implement the Iowa collaborative safety net
6 28 provider network.

6 29 (c) In cooperation with the free clinics of Iowa and
6 30 individual free clinics, the Iowa association of rural health
6 31 clinics, and the Iowa/Nebraska primary care association,
6 32 develop a database of all community health centers, rural
6 33 health clinics, free clinics, and other safety net providers.
6 34 The data collected shall include the demographics and needs of
6 35 the vulnerable populations served, current provider capacity,
7 1 and the resources and needs of the participating safety net
7 2 providers.

7 3 (d) Develop network initiatives for collaboration between
7 4 community health centers, rural health clinics, free clinics,
7 5 other safety net providers, and other health care providers
7 6 to, at a minimum, improve quality, improve efficiency, reduce
7 7 errors, and provide clinical communication between providers.
7 8 The network initiatives shall include, but are not limited to,
7 9 activities that address all of the following:

7 10 (i) Training.
7 11 (ii) Information technology.
7 12 (iii) Financial resource development.
7 13 (iv) A referral system for ambulatory care.
7 14 (v) A referral system for specialty care.
7 15 (vi) Pharmaceuticals.
7 16 (vii) Recruitment of health professionals.

7 17 (2) The Iowa department of public health shall issue a
7 18 request for proposals to provide for an evaluation of the
7 19 performance of the Iowa collaborative safety net provider
7 20 network and its impact on the medically underserved.

7 21 b. For an incubation grant program to community health
7 22 centers that receive a total score of 85 based on the
7 23 evaluation criteria of the health resources and services
7 24 administration of the United States department of health and
7 25 human services:

7 26 \$ 650,000

7 27 The Iowa department of public health shall select qualified

7 28 applicants eligible under this lettered paragraph, and shall
7 29 approve grants in prorated amounts to all such selected
7 30 qualified applicants based on the total amount of funding
7 31 appropriated. A grantee shall meet all federal requirements
7 32 for a federally qualified health center, including
7 33 demonstrating a commitment to serve all populations in the
7 34 grantee's respective medically underserved community and
7 35 satisfying the administrative, management, governance,
8 1 service-related, utilization of funding, and audit
8 2 requirements unique to federally qualified health centers as
8 3 provided under section 330 of the federal Public Health
8 4 Service Act, as amended, and as codified at 42 U.S.C. }
8 5 254(b). A grant may be approved for a two-year period.
8 6 However, if a grantee is approved as a federally qualified
8 7 health center during the grant period, the grant and
8 8 accompanying funding shall be terminated for the remainder of
8 9 the grant period. If a grantee is not approved as a federally
8 10 qualified health center during the grant period, the grantee
8 11 may apply for a subsequent grant under this lettered paragraph
8 12 on a competitive basis. A recipient of a grant under this
8 13 lettered paragraph shall provide a local match of 25 percent
8 14 of the grant funds received.

8 15 13. The university of Iowa hospitals and clinics under the
8 16 control of the state board of regents shall not receive
8 17 indirect costs from the funds appropriated in this section.

8 18 14. A local health care provider or nonprofit health care
8 19 organization seeking grant moneys administered by the Iowa
8 20 department of public health shall provide documentation that
8 21 the provider or organization has coordinated its services with
8 22 other local entities providing similar services.

8 23 15. a. The department shall apply for available federal
8 24 funds for sexual abstinence education programs.

8 25 b. It is the intent of the general assembly to comply with
8 26 the United States Congress' intent to provide education that
8 27 promotes abstinence from sexual activity outside of marriage
8 28 and reduces pregnancies, by focusing efforts on those persons
8 29 most likely to father and bear children out of wedlock.

8 30 c. Any sexual abstinence education program awarded moneys
8 31 under the grant program shall meet the definition of
8 32 abstinence education in the federal law. Grantees shall be
8 33 evaluated based upon the extent to which the abstinence
8 34 program successfully communicates the goals set forth in the
8 35 federal law.

9 1 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION. In lieu
9 2 of the appropriation made in section 135.150, subsection 1,
9 3 there is appropriated from funds available in the gambling
9 4 treatment fund created in section 135.150 to the Iowa
9 5 department of public health for the fiscal year beginning July
9 6 1, 2005, and ending June 30, 2006, the following amount, or so
9 7 much thereof as is necessary, to be used for the purposes
9 8 designated:

9 9 1. ADDICTIVE DISORDERS

9 10 To be utilized for the benefit of persons with addictions:

9 11 \$ 1,690,000

9 12 It is the intent of the general assembly that from the
9 13 moneys appropriated in this subsection, persons with a dual
9 14 diagnosis of substance abuse and gambling addictions shall be
9 15 given priority in treatment services.

9 16 2. GAMBLING TREATMENT PROGRAM

9 17 The funds in the gambling treatment fund after the
9 18 appropriation in subsection 1 is made are appropriated to the
9 19 department to be used for funding of administrative costs and
9 20 to provide programs which may include, but are not limited to,
9 21 outpatient and follow-up treatment for persons affected by
9 22 problem gambling, rehabilitation and residential treatment
9 23 programs, information and referral services, education and
9 24 preventive services, and financial management services. Of
9 25 the amount appropriated in subsection 1, up to \$100,000 may be
9 26 used for the licensing of gambling treatment programs as
9 27 provided in section 135.150.

9 28 COMMISSION OF VETERANS AFFAIRS

9 29 Sec. 4. COMMISSION OF VETERANS AFFAIRS. There is
9 30 appropriated from the general fund of the state to the
9 31 commission of veterans affairs for the fiscal year beginning
9 32 July 1, 2005, and ending June 30, 2006, the following amounts,
9 33 or so much thereof as is necessary, to be used for the
9 34 purposes designated:

9 35 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION

10 1 For salaries, support, maintenance, miscellaneous purposes,
10 2 including the war orphans educational aid fund established
10 3 pursuant to chapter 35, and for not more than the following

10 4 full=time equivalent positions:
 10 5 \$ 320,717
 10 6 FTEs 4.00
 10 7 a. Of the funds appropriated in this subsection, \$50,000
 10 8 shall be used by the commission to contract with the Iowa
 10 9 commission on volunteer service created pursuant to chapter
 10 10 15H to utilize local veterans affairs commissions and the
 10 11 retired and senior volunteers program to increase the
 10 12 utilization by eligible individuals of benefits available
 10 13 through the federal department of veterans affairs.
 10 14 b. Of the funds appropriated in this subsection, \$75,000
 10 15 shall be used for the commission's costs associated with the
 10 16 contracts implemented under paragraph "a".
 10 17 2. IOWA VETERANS HOME
 10 18 For salaries, support, maintenance, miscellaneous purposes,
 10 19 and for not more than the following full=time equivalent
 10 20 positions:
 10 21 \$ 16,309,443
 10 22 FTEs 855.22
 10 23 HUMAN SERVICES
 10 24 Sec. 5. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
 10 25 GRANT. There is appropriated from the fund created in section
 10 26 8.41 to the department of human services for the fiscal year
 10 27 beginning July 1, 2005, and ending June 30, 2006, from moneys
 10 28 received under the federal temporary assistance for needy
 10 29 families (TANF) block grant pursuant to the federal Personal
 10 30 Responsibility and Work Opportunity Reconciliation Act of
 10 31 1996, Pub. L. No. 104-193, and successor legislation, which
 10 32 are federally appropriated for the federal fiscal years
 10 33 beginning October 1, 2004, and ending September 30, 2005, and
 10 34 beginning October 1, 2005, and ending September 30, 2006, the
 10 35 following amounts, or so much thereof as is necessary, to be
 11 1 used for the purposes designated:
 11 2 1. To be credited to the family investment program account
 11 3 and used for assistance under the family investment program
 11 4 under chapter 239B:
 11 5 \$ 44,277,569
 11 6 2. To be credited to the family investment program account
 11 7 and used for the job opportunities and basic skills (JOBS)
 11 8 program, and implementing family investment agreements, in
 11 9 accordance with chapter 239B:
 11 10 \$ 13,412,794
 11 11 3. For field operations:
 11 12 \$ 16,702,033
 11 13 4. For general administration:
 11 14 \$ 3,730,547
 11 15 5. For local administrative costs:
 11 16 \$ 2,181,296
 11 17 6. For state child care assistance:
 11 18 \$ 14,556,560
 11 19 a. Of the funds appropriated in this subsection, \$200,000
 11 20 shall be used for provision of educational opportunities to
 11 21 registered child care home providers in order to improve
 11 22 services and programs offered by this category of providers
 11 23 and to increase the number of providers. The department may
 11 24 contract with institutions of higher education or child care
 11 25 resource and referral centers to provide the educational
 11 26 opportunities. Allowable administrative costs under the
 11 27 contracts shall not exceed 5 percent. The application for a
 11 28 grant shall not exceed two pages in length.
 11 29 b. The funds appropriated in this subsection shall be
 11 30 transferred to the child care and development block grant
 11 31 appropriation.
 11 32 7. For mental health and developmental disabilities
 11 33 community services:
 11 34 \$ 4,798,979
 11 35 8. For child and family services:
 12 1 \$ 31,538,815
 12 2 9. For child abuse prevention grants:
 12 3 \$ 250,000
 12 4 10. For pregnancy prevention grants on the condition that
 12 5 family planning services are funded:
 12 6 \$ 2,520,037
 12 7 a. If the department receives approval of a waiver from
 12 8 the centers for Medicare and Medicaid services of the United
 12 9 States department of health and human services to provide
 12 10 family planning services, of the amount appropriated in this
 12 11 subsection, \$533,580 shall be transferred to the appropriation
 12 12 in this Act for child and family services.
 12 13 b. Pregnancy prevention grants shall be awarded to
 12 14 programs in existence on or before July 1, 2005, if the

12 15 programs are comprehensive in scope and have demonstrated
 12 16 positive outcomes. Grants shall be awarded to pregnancy
 12 17 prevention programs which are developed after July 1, 2005, if
 12 18 the programs are comprehensive in scope and are based on
 12 19 existing models that have demonstrated positive outcomes.
 12 20 Grants shall comply with the requirements provided in 1997
 12 21 Iowa Acts, chapter 208, section 14, subsections 1 and 2,
 12 22 including the requirement that grant programs must emphasize
 12 23 sexual abstinence. Priority in the awarding of grants shall
 12 24 be given to programs that serve areas of the state which
 12 25 demonstrate the highest percentage of unplanned pregnancies of
 12 26 females of childbearing age within the geographic area to be
 12 27 served by the grant.
 12 28 11. For technology needs and other resources necessary to
 12 29 meet federal welfare reform reporting, tracking, and case
 12 30 management requirements:
 12 31 \$ 1,037,186
 12 32 12. For the healthy opportunities for parents to
 12 33 experience success (HOPES) program administered by the Iowa
 12 34 department of public health to target child abuse prevention:
 12 35 \$ 200,000
 13 1 13. To be credited to the state child care assistance
 13 2 appropriation made in this section to be used for funding of
 13 3 community-based early childhood programs targeted to children
 13 4 from birth through five years of age, developed by community
 13 5 empowerment areas as provided in section 28.9, as amended by
 13 6 this Act:
 13 7 \$ 7,350,000
 13 8 The department shall transfer TANF block grant funding
 13 9 appropriated and allocated in this subsection to the child
 13 10 care and development block grant appropriation in accordance
 13 11 with federal law as necessary to comply with the provisions of
 13 12 this subsection.
 13 13 14. For a pilot program to be established in a judicial
 13 14 district, selected by the department and the judicial council,
 13 15 to provide employment and support services to delinquent child
 13 16 support obligors as an alternative to commitment to jail as
 13 17 punishment for contempt of court:
 13 18 \$ 200,000
 13 19 Of the amounts appropriated in this section, \$12,808,841
 13 20 for the fiscal year beginning July 1, 2005, shall be
 13 21 transferred to the appropriation of the federal social
 13 22 services block grant for that fiscal year. If the federal
 13 23 government revises requirements to reduce the amount that may
 13 24 be transferred to the federal social services block grant, it
 13 25 is the intent of the general assembly to act expeditiously
 13 26 during the 2006 legislative session to adjust appropriations
 13 27 or the transfer amount or take other actions to address the
 13 28 reduced amount.
 13 29 Sec. 6. FAMILY INVESTMENT PROGRAM ACCOUNT.
 13 30 1. Moneys credited to the family investment program (FIP)
 13 31 account for the fiscal year beginning July 1, 2005, and ending
 13 32 June 30, 2006, shall be used to provide assistance in
 13 33 accordance with chapter 239B.
 13 34 2. The department may use a portion of the moneys credited
 14 35 to the FIP account under this section as necessary for
 14 1 salaries, support, maintenance, and miscellaneous purposes and
 14 2 for not more than the following full-time equivalent positions
 14 3 which are in addition to any other full-time equivalent
 14 4 positions authorized in this division of this Act:
 14 5 FTEs 17.33
 14 6 3. Moneys appropriated in this division of this Act and
 14 7 credited to the FIP account for the fiscal year beginning July
 14 8 1, 2005, and ending June 30, 2006, are allocated as follows:
 14 9 a. For the family development and self-sufficiency grant
 14 10 program as provided under section 217.12:
 14 11 \$ 5,133,042
 14 12 (1) Of the funds allocated for the family development and
 14 13 self-sufficiency grant program in this lettered paragraph, not
 14 14 more than 5 percent of the funds shall be used for the
 14 15 administration of the grant program.
 14 16 (2) The department may continue to implement the family
 14 17 development and self-sufficiency grant program statewide
 14 18 during FY 2005=2006.
 14 19 b. For the diversion subaccount of the FIP account:
 14 20 \$ 2,814,000
 14 21 (1) A portion of the moneys allocated for the subaccount
 14 22 may be used for field operations salaries, data management
 14 23 system development, and implementation costs and support
 14 24 deemed necessary by the director of human services in order to
 14 25 administer the FIP diversion program.

14 26 (2) Of the funds allocated in this lettered paragraph, not
14 27 more than \$250,000 shall be used to develop or continue
14 28 community-level parental obligation pilot projects. The
14 29 requirements established under 2001 Iowa Acts, chapter 191,
14 30 section 3, subsection 5, paragraph "c", subparagraph (3),
14 31 shall remain applicable to the parental obligation pilot
14 32 projects for fiscal year 2005=2006.

14 33 c. For the food stamp employment and training program:
14 34 \$ 64,278

14 35 4. Of the child support collections assigned under FIP, an
15 1 amount equal to the federal share of support collections shall
15 2 be credited to the child support recovery appropriation. Of
15 3 the remainder of the assigned child support collections
15 4 received by the child support recovery unit, a portion shall
15 5 be credited to the FIP account and a portion may be used to
15 6 increase recoveries.

15 7 5. The department may adopt emergency administrative rules
15 8 for the family investment, food stamp, and medical assistance
15 9 programs, if necessary, to comply with federal requirements.

15 10 Sec. 7. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
15 11 appropriated from the general fund of the state to the
15 12 department of human services for the fiscal year beginning
15 13 July 1, 2005, and ending June 30, 2006, the following amount,
15 14 or so much thereof as is necessary, to be used for the purpose
15 15 designated:

15 16 To be credited to the family investment program (FIP)
15 17 account and used for family investment program assistance
15 18 under chapter 239B:
15 19 \$ 40,439,695

15 20 1. Of the funds appropriated in this section, \$9,274,134
15 21 is allocated for the JOBS program.

15 22 2. Of the funds appropriated in this section, \$100,000
15 23 shall be used to provide a grant to an Iowa-based nonprofit
15 24 organization with a history of providing tax preparation
15 25 assistance to low-income Iowans in order to expand the usage
15 26 of the earned income tax credit. The purpose of the grant is
15 27 to supply this assistance to underserved areas of the state.
15 28 The grant shall be provided to an organization that has
15 29 existing national foundation support for supplying such
15 30 assistance that can also secure local charitable match
15 31 funding.

15 32 Sec. 8. CHILD SUPPORT RECOVERY. There is appropriated
15 33 from the general fund of the state to the department of human
15 34 services for the fiscal year beginning July 1, 2005, and
15 35 ending June 30, 2006, the following amount, or so much thereof
16 1 as is necessary, to be used for the purposes designated:

16 2 For child support recovery, including salaries, support,
16 3 maintenance, and miscellaneous purposes and for not more than
16 4 the following full-time equivalent positions:
16 5 \$ 7,829,317
16 6 FTEs 423.00

16 7 1. The department shall expend up to \$31,000, including
16 8 federal financial participation, for the fiscal year beginning
16 9 July 1, 2005, for a child support public awareness campaign.
16 10 The department and the office of the attorney general shall
16 11 cooperate in continuation of the campaign. The public
16 12 awareness campaign shall emphasize, through a variety of media
16 13 activities, the importance of maximum involvement of both
16 14 parents in the lives of their children as well as the
16 15 importance of payment of child support obligations.

16 16 2. Federal access and visitation grant moneys shall be
16 17 issued directly to private not-for-profit agencies that
16 18 provide services designed to increase compliance with the
16 19 child access provisions of court orders, including but not
16 20 limited to neutral visitation site and mediation services.

16 21 Sec. 9. MEDICAL ASSISTANCE. There is appropriated from
16 22 the general fund of the state to the department of human
16 23 services for the fiscal year beginning July 1, 2005, and
16 24 ending June 30, 2006, the following amount, or so much thereof
16 25 as is necessary, to be used for the purpose designated:

16 26 For medical assistance reimbursement and associated costs
16 27 as specifically provided in the reimbursement methodologies in
16 28 effect on June 30, 2005, except as otherwise expressly
16 29 authorized by law, including reimbursement for abortion
16 30 services, which shall be available under the medical
16 31 assistance program only for those abortions which are
16 32 medically necessary:
16 33 \$519,040,317

16 34 1. Medically necessary abortions are those performed under
16 35 any of the following conditions:

17 1 a. The attending physician certifies that continuing the

17 2 pregnancy would endanger the life of the pregnant woman.
17 3 b. The attending physician certifies that the fetus is
17 4 physically deformed, mentally deficient, or afflicted with a
17 5 congenital illness.
17 6 c. The pregnancy is the result of a rape which is reported
17 7 within 45 days of the incident to a law enforcement agency or
17 8 public or private health agency which may include a family
17 9 physician.
17 10 d. The pregnancy is the result of incest which is reported
17 11 within 150 days of the incident to a law enforcement agency or
17 12 public or private health agency which may include a family
17 13 physician.
17 14 e. Any spontaneous abortion, commonly known as a
17 15 miscarriage, if not all of the products of conception are
17 16 expelled.
17 17 2. The department shall utilize not more than \$60,000 of
17 18 the funds appropriated in this section to continue the
17 19 AIDS/HIV health insurance premium payment program as
17 20 established in 1992 Iowa Acts, Second Extraordinary Session,
17 21 chapter 1001, section 409, subsection 6. Of the funds
17 22 allocated in this subsection, not more than \$5,000 may be
17 23 expended for administrative purposes.
17 24 3. Of the funds appropriated to the Iowa department of
17 25 public health for addictive disorders, \$950,000 for the fiscal
17 26 year beginning July 1, 2005, shall be transferred to the
17 27 department of human services for an integrated substance abuse
17 28 managed care system.
17 29 4. If the federal centers for Medicare and Medicaid
17 30 services approves a waiver request from the department, the
17 31 department shall provide a period of 12 months of guaranteed
17 32 eligibility for medical assistance family planning services
17 33 only, regardless of the change in circumstances of a woman who
17 34 was a medical assistance recipient when a pregnancy ended.
17 35 The department shall also provide this guaranteed eligibility
18 1 to women of childbearing age with countable income at or below
18 2 200 percent of the federal poverty level.
18 3 5. a. The department shall aggressively pursue options
18 4 for providing medical assistance or other assistance to
18 5 individuals with special needs who become ineligible to
18 6 continue receiving services under the early and periodic
18 7 screening, diagnosis, and treatment program under the medical
18 8 assistance program due to becoming 21 years of age, who have
18 9 been approved for additional assistance through the
18 10 department's exception to policy provisions, but who have
18 11 health care needs in excess of the funding available through
18 12 the exception to policy process.
18 13 b. Of the funds appropriated in this section, \$100,000
18 14 shall be used for participation in one or more pilot projects
18 15 operated by a private provider to allow the individual or
18 16 individuals to receive service in the community in accordance
18 17 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
18 18 (1999), for the purpose of providing medical assistance or
18 19 other assistance to individuals with special needs who become
18 20 ineligible to continue receiving services under the early and
18 21 periodic screening, diagnosis, and treatment program under the
18 22 medical assistance program due to becoming 21 years of age,
18 23 who have been approved for additional assistance through the
18 24 department's exception to policy provisions, but who have
18 25 health care needs in excess of the funding available through
18 26 the exception to the policy provisions.
18 27 6. Of the funds available in this section, up to
18 28 \$3,050,082 may be transferred to the field operations or
18 29 general administration appropriations in this Act for
18 30 implementation and operational costs associated with Part D of
18 31 the federal Medicare Prescription Drug, Improvement, and
18 32 Modernization Act of 2003, Pub. L. No. 108-173.
18 33 7. The department shall expand the health insurance data
18 34 match program as directed pursuant to 2004 Iowa Acts, chapter
18 35 1175, section 119, subsection 1, paragraph "c", to also match
19 1 insureds against a listing of hawk=i program enrollees. The
19 2 information submitted under the expansion shall be used solely
19 3 to identify third=party payors for hawk=i program enrollees
19 4 and shall be kept confidential. The department, in
19 5 consultation with insurance carriers, shall adopt rules to
19 6 implement this subsection. The department may adopt emergency
19 7 rules to implement this subsection and insurance carriers
19 8 shall begin providing the information required upon adoption
19 9 of the rules.
19 10 8. The department shall provide educational opportunities
19 11 to providers under the medical assistance program to improve
19 12 payment accuracy by avoiding mistakes and overbilling.

19 13 9. The department shall modify billing practices to allow
19 14 for collection of rebates from prescription drug manufacturers
19 15 under the medical assistance program for purchase of
19 16 injectable drugs administered in physicians' offices.

19 17 10. The department shall adjust managed care capitation
19 18 payments from the payment structure in effect as of June 30,
19 19 2004, to optimize family planning claiming.

19 20 11. The medical assistance pharmaceutical and therapeutics
19 21 committee established pursuant to section 249A.20A shall
19 22 develop options for increasing the savings relative to
19 23 psychotropic drugs, while maintaining patient care quality.
19 24 This subsection shall not be construed to amend, modify, or
19 25 repeal the exception provided pursuant to section 249A.20A
19 26 relating to drugs prescribed for mental illness. The
19 27 committee shall submit a report of any options the committee
19 28 recommends to the general assembly by January 1, 2006. Any
19 29 options developed or recommended shall not be implemented
19 30 without an affirmative action enacted by the general assembly.

19 31 12. The department shall expand coverage under the medical
19 32 assistance program to cover smoking cessation drugs.

19 33 13. The department shall expand coverage under the medical
19 34 assistance program to cover weight reduction treatments and
19 35 drugs.

20 1 14. The department shall adopt rules to require that if a
20 2 product is to be considered by the pharmaceutical and
20 3 therapeutics committee established pursuant to section
20 4 249A.20A for inclusion on the preferred drug list, the
20 5 pharmaceutical and therapeutics committee shall respond to all
20 6 inquiries regarding the process at least 72 hours prior to a
20 7 meeting of the committee to consider inclusion of the product.
20 8 Additionally, the rules shall require that the committee
20 9 provide a pharmaceutical manufacturer of a product with 20
20 10 days' prior written notice of consideration of the
20 11 manufacturer's product for inclusion on the preferred drug
20 12 list to allow adequate time for preparation of appropriate
20 13 materials to be submitted to the committee for review. The
20 14 rules shall also require that adequate time be provided for
20 15 each interested individual to address the committee regarding
20 16 a product to be considered for inclusion on the preferred drug
20 17 list by the committee. A final decision regarding inclusion
20 18 of a product on the preferred drug list shall not be made in
20 19 an executive session of the committee.

20 20 Sec. 10. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
20 21 is appropriated from the general fund of the state to the
20 22 department of human services for the fiscal year beginning
20 23 July 1, 2005, and ending June 30, 2006, the following amount,
20 24 or so much thereof as is necessary, to be used for the purpose
20 25 designated:

20 26 For administration of the health insurance premium payment
20 27 program, including salaries, support, maintenance, and
20 28 miscellaneous purposes, and for not more than the following
20 29 full-time equivalent positions:

20 30	\$ 612,574
20 31 FTEs	20.95

20 32 Sec. 11. MEDICAL CONTRACTS. There is appropriated from
20 33 the general fund of the state to the department of human
20 34 services for the fiscal year beginning July 1, 2005, and
20 35 ending June 30, 2006, the following amount, or so much thereof
21 1 as is necessary, to be used for the purpose designated:

21 2 For medical contracts, including salaries, support,
21 3 maintenance, and miscellaneous purposes:

21 4	\$ 14,711,985
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21 5 Sec. 12. STATE SUPPLEMENTARY ASSISTANCE.

21 6 1. There is appropriated from the general fund of the
21 7 state to the department of human services for the fiscal year
21 8 beginning July 1, 2005, and ending June 30, 2006, the
21 9 following amount, or so much thereof as is necessary, to be
21 10 used for the purposes designated:

21 11 For the state supplementary assistance program:

21 12	\$ 19,810,335
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21 13 2. The department shall increase the personal needs
21 14 allowance for residents of residential care facilities by the
21 15 same percentage and at the same time as federal supplemental
21 16 security income and federal social security benefits are
21 17 increased due to a recognized increase in the cost of living.
21 18 The department may adopt emergency rules to implement this
21 19 subsection.

21 20 3. If during the fiscal year beginning July 1, 2005, the
21 21 department projects that state supplementary assistance
21 22 expenditures for a calendar year will not meet the federal
21 23 pass-along requirement specified in Title XVI of the federal

21 24 Social Security Act, section 1618, as codified in 42 U.S.C. }
21 25 1382g, the department may take actions including but not
21 26 limited to increasing the personal needs allowance for
21 27 residential care facility residents and making programmatic
21 28 adjustments or upward adjustments of the residential care
21 29 facility or in-home health-related care reimbursement rates
21 30 prescribed in this division of this Act to ensure that federal
21 31 requirements are met. In addition, the department may make
21 32 other programmatic and rate adjustments necessary to remain
21 33 within the amount appropriated in this section while ensuring
21 34 compliance with federal requirements. The department may
21 35 adopt emergency rules to implement the provisions of this
22 1 subsection.

22 2 Sec. 13. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
22 3 appropriated from the general fund of the state to the
22 4 department of human services for the fiscal year beginning
22 5 July 1, 2005, and ending June 30, 2006, the following amount,
22 6 or so much thereof as is necessary, to be used for the purpose
22 7 designated:

22 8 For maintenance of the healthy and well kids in Iowa (hawk=
22 9 i) program pursuant to chapter 514I for receipt of federal
22 10 financial participation under Title XXI of the federal Social
22 11 Security Act, which creates the state children's health
22 12 insurance program:
22 13 \$ 16,618,275

22 14 Sec. 14. CHILD CARE ASSISTANCE. There is appropriated
22 15 from the general fund of the state to the department of human
22 16 services for the fiscal year beginning July 1, 2005, and
22 17 ending June 30, 2006, the following amount, or so much thereof
22 18 as is necessary, to be used for the purpose designated:

22 19 For child care programs:
22 20 \$ 15,800,752

22 21 1. a. Of the funds appropriated in this section,
22 22 \$14,375,228 shall be used for state child care assistance in
22 23 accordance with section 237A.13.

22 24 b. The department shall adopt rules to increase the upper
22 25 income eligibility requirements under the state child care
22 26 assistance program for families from 140 percent of the
22 27 federal poverty level to 145 percent of the federal poverty
22 28 level and for families with a special needs child from 175
22 29 percent of the federal poverty level to 200 percent of the
22 30 federal poverty level. The poverty level changes shall take
22 31 effect September 1, 2005. The department may adopt emergency
22 32 rules to implement this paragraph.

22 33 2. Of the funds appropriated in this section, \$900,000
22 34 shall be used for implementation of a quality rating system
23 1 for child care providers, in accordance with legislation
23 2 enacted to authorize implementation of the rating system.

23 3 3. Nothing in this section shall be construed or is
23 4 intended as, or shall imply, a grant of entitlement for
23 5 services to persons who are eligible for assistance due to an
23 6 income level consistent with the waiting list requirements of
23 7 section 237A.13. Any state obligation to provide services
23 8 pursuant to this section is limited to the extent of the funds
23 9 appropriated in this section.

23 10 4. Of the funds appropriated in this section, \$525,524 is
23 11 allocated for the statewide program for child care resource
23 12 and referral services under section 237A.26.

23 13 5. The department may use any of the funds appropriated in
23 14 this section as a match to obtain federal funds for use in
23 15 expanding child care assistance and related programs. For the
23 16 purpose of expenditures of state and federal child care
23 17 funding, funds shall be considered obligated at the time
23 18 expenditures are projected or are allocated to the
23 19 department's service areas. Projections shall be based on
23 20 current and projected caseload growth, current and projected
23 21 provider rates, staffing requirements for eligibility
23 22 determination and management of program requirements including
23 23 data systems management, staffing requirements for
23 24 administration of the program, contractual and grant
23 25 obligations and any transfers to other state agencies, and
23 26 obligations for decategorization or innovation projects.

23 27 6. A portion of the state match for the federal child care
23 28 and development block grant shall be provided through the
23 29 state general fund appropriation for child development grants
23 30 and other programs for at-risk children in section 279.51.

23 31 Sec. 15. JUVENILE INSTITUTIONS. There is appropriated
23 32 from the general fund of the state to the department of human
23 33 services for the fiscal year beginning July 1, 2005, and
23 34 ending June 30, 2006, the following amounts, or so much
23 35 thereof as is necessary, to be used for the purposes

23 35 designated:

24 1 1. For operation of the Iowa juvenile home at Toledo and
24 2 for salaries, support, maintenance, and for not more than the
24 3 following full-time equivalent positions:

24 4	\$ 6,226,283
24 5	FTEs 130.54

24 6 2. For operation of the state training school at Eldora
24 7 and for salaries, support, maintenance, and for not more than
24 8 the following full-time equivalent positions:

24 9	\$ 9,830,692
24 10	FTEs 218.53

24 11 3. A portion of the moneys appropriated in this section
24 12 shall be used by the state training school and by the Iowa
24 13 juvenile home for grants for adolescent pregnancy prevention
24 14 activities at the institutions in the fiscal year beginning
24 15 July 1, 2005.

24 16 Sec. 16. CHILD AND FAMILY SERVICES.

24 17 1. There is appropriated from the general fund of the
24 18 state to the department of human services for the fiscal year
24 19 beginning July 1, 2005, and ending June 30, 2006, the
24 20 following amount, or so much thereof as is necessary, to be
24 21 used for the purpose designated:

24 22 For child and family services:

24 23	\$ 75,200,000
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24 24 In order to address a reduction of \$5,200,000 from the
24 25 amount allocated under this appropriation in prior years for
24 26 purposes of juvenile delinquent graduated sanction services,
24 27 up to \$5,200,000 of the amount of federal temporary assistance
24 28 for needy families block grant funding appropriated in this
24 29 division of this Act for child and family services, shall be
24 30 made available for purposes of juvenile delinquent graduated
24 31 sanction services.

24 32 2. The department may transfer funds appropriated in this
24 33 section as necessary to pay the nonfederal costs of services
24 34 reimbursed under the medical assistance program or the family
24 35 investment program which are provided to children who would
25 1 otherwise receive services paid under the appropriation in
25 2 this section. The department may transfer funds appropriated
25 3 in this section to the appropriations in this division of this
25 4 Act for general administration and for field operations for
25 5 resources necessary to implement and operate the services
25 6 funded in this section.

25 7 3. a. Of the funds appropriated in this section, up to
25 8 \$35,883,519 is allocated as the statewide expenditure target
25 9 under section 232.143 for group foster care maintenance and
25 10 services.

25 11 b. If at any time after September 30, 2005, annualization
25 12 of a service area's current expenditures indicates a service
25 13 area is at risk of exceeding its group foster care expenditure
25 14 target under section 232.143 by more than 5 percent, the
25 15 department and juvenile court services shall examine all group
25 16 foster care placements in that service area in order to
25 17 identify those which might be appropriate for termination. In
25 18 addition, any aftercare services believed to be needed for the
25 19 children whose placements may be terminated shall be
25 20 identified. The department and juvenile court services shall
25 21 initiate action to set dispositional review hearings for the
25 22 placements identified. In such a dispositional review
25 23 hearing, the juvenile court shall determine whether needed
25 24 aftercare services are available and whether termination of
25 25 the placement is in the best interest of the child and the
25 26 community.

25 27 c. Of the funds allocated in this subsection, \$1,465,009
25 28 is allocated as the state match funding for 50 highly
25 29 structured juvenile program beds. If the number of beds
25 30 provided for in this lettered paragraph is not utilized, the
25 31 remaining funds allocated may be used for group foster care.

25 32 d. If House File 538 or other legislation is enacted
25 33 during the 2005 session of the general assembly providing for
25 34 submission of an application for federal approval of a waiver
25 35 to provide coverage under the medical assistance program for
26 1 children who need behavioral health care services and qualify
26 2 for the care level provided by a psychiatric medical
26 3 institution for children licensed under chapter 135H and are
26 4 in need of treatment to cure or alleviate serious mental
26 5 illness or disorder, or emotional damage as evidenced by
26 6 severe anxiety, depression, withdrawal, or untoward aggressive
26 7 behavior toward self or others and whose parents, guardians,
26 8 or custodians are unable to provide such treatment, and the
26 9 waiver is approved, the department may transfer funds
26 10 appropriated in this section to the appropriation made in this

26 11 division of this Act for the medical assistance program in
26 12 order to pay the nonfederal share of the costs incurred under
26 13 the waiver.

26 14 4. In accordance with the provisions of section 232.188,
26 15 the department shall continue the program to decategorize
26 16 child welfare services funding. Of the funds appropriated in
26 17 this section, \$2,500,000 is allocated specifically for
26 18 expenditure through the decategorization of child welfare
26 19 funding pools and governance boards established pursuant to
26 20 section 232.188. In addition, up to \$1,000,000 of the amount
26 21 of federal temporary assistance for needy families block grant
26 22 funding appropriated in this division of this Act for child
26 23 and family services shall be made available for purposes of
26 24 decategorization of child welfare services as provided in this
26 25 subsection. Notwithstanding section 8.33, moneys allocated in
26 26 this subsection that remain unencumbered or unobligated at the
26 27 close of the fiscal year shall not revert but shall remain
26 28 available for expenditure for the purposes designated until
26 29 the close of the succeeding fiscal year.

26 30 5. A portion of the funding appropriated in this section
26 31 may be used for emergency family assistance to provide other
26 32 resources required for a family participating in a family
26 33 preservation or reunification project to stay together or to
26 34 be reunified.

26 35 6. Notwithstanding section 234.35, subsection 1, for the
27 1 fiscal year beginning July 1, 2005, state funding for shelter
27 2 care paid pursuant to section 234.35, subsection 1, paragraph
27 3 "h", shall be limited to \$7,252,955.

27 4 7. Federal funds received by the state during the fiscal
27 5 year beginning July 1, 2005, as the result of the expenditure
27 6 of state funds appropriated during a previous state fiscal
27 7 year for a service or activity funded under this section, are
27 8 appropriated to the department to be used as additional
27 9 funding for services and purposes provided for under this
27 10 section. Notwithstanding section 8.33, moneys received in
27 11 accordance with this subsection that remain unencumbered or
27 12 unobligated at the close of the fiscal year shall not revert
27 13 to any fund but shall remain available for the purposes
27 14 designated until the close of the succeeding fiscal year.

27 15 8. Of the moneys appropriated in this section, not more
27 16 than \$442,100 is allocated to provide clinical assessment
27 17 services as necessary to continue funding of children's
27 18 rehabilitation services under medical assistance in accordance
27 19 with federal law and requirements. The funding allocated is
27 20 the amount projected to be necessary for providing the
27 21 clinical assessment services.

27 22 9. Of the funding appropriated in this section, \$3,696,285
27 23 shall be used for protective child care assistance.

27 24 10. Of the moneys appropriated in this section, up to
27 25 \$2,859,851 is allocated for the payment of the expenses of
27 26 court-ordered services provided to juveniles which are a
27 27 charge upon the state pursuant to section 232.141, subsection

27 28 4. Of the amount allocated in this subsection, up to
27 29 \$1,431,597 shall be made available to provide school-based
27 30 supervision of children adjudicated under chapter 232, of
27 31 which not more than \$15,000 may be used for the purpose of
27 32 training. A portion of the cost of each school-based liaison
27 33 officer shall be paid by the school district or other funding
27 34 source as approved by the chief juvenile court officer.

27 35 a. Notwithstanding section 232.141 or any other provision
28 1 of law to the contrary, the amount allocated in this
28 2 subsection shall be distributed to the judicial districts as
28 3 determined by the state court administrator. The state court
28 4 administrator shall make the determination of the distribution
28 5 amounts on or before June 15, 2005.

28 6 b. Notwithstanding chapter 232 or any other provision of
28 7 law to the contrary, a district or juvenile court shall not
28 8 order any service which is a charge upon the state pursuant to
28 9 section 232.141 if there are insufficient court-ordered
28 10 services funds available in the district court distribution
28 11 amount to pay for the service. The chief juvenile court
28 12 officer shall encourage use of the funds allocated in this
28 13 subsection such that there are sufficient funds to pay for all
28 14 court-related services during the entire year. The chief
28 15 juvenile court officers shall attempt to anticipate potential
28 16 surpluses and shortfalls in the distribution amounts and shall
28 17 cooperatively request the state court administrator to
28 18 transfer funds between the districts' distribution amounts as
28 19 prudent.

28 20 c. Notwithstanding any provision of law to the contrary, a
28 21 district or juvenile court shall not order a county to pay for

any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

d. Of the funding allocated in this subsection, not more than \$100,000 may be used by the judicial branch for administration of the requirements under this subsection and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

11. Notwithstanding 2000 Iowa Acts, chapter 1228, section 43, the department may operate a subsidized guardianship program if the United States department of health and human services approves a waiver under Title IV-E of the federal Social Security Act or the federal Social Security Act is amended to allow Title IV-E funding to be used for subsidized guardianship, and the subsidized guardianship program can be operated without loss of Title IV-E funds.

12. Of the amount appropriated in this section, \$1,000,000 shall be transferred to the Iowa department of public health to be used for the child protection center grant program in accordance with section 135.118.

13. Of the amount appropriated in this section, \$148,000 shall be used for funding of one or more child welfare diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

14. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program children who participate in the waiver shall be considered to be placed in foster care.

15. Of the amount appropriated in this section, the following amounts are allocated for the indicated child welfare system improvements:

a. For family team meetings and other family engagement efforts:

.....	\$	900,000
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b. For recruiting, training, and development of additional resource families, including but not limited to families providing kinship, foster, and adoptive care:

.....	\$	325,000
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c. For field staff working with families to have flexible funding to purchase services and other support and to fill urgent family needs:

.....	\$	250,000
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d. For funding of shelter care so that 15 emergency beds are available statewide for the fiscal year within the statewide average of 288 beds addressed in the department's shelter care plan:

.....	\$	200,000
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e. For expansion of community partnerships to prevent child abuse:

.....	\$	100,000
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16. The general assembly finds that it is important for adequate, comprehensive mental health services to be available to the children of this state; that Iowa is seeking to develop a coordinated system of mental health care for children through a redesign of the children's mental health system; that Iowa is one of only two states that have not participated in the comprehensive community mental health services program for children and their families grant offered by the substance abuse and mental health services administration (SAMHSA) of the United States department of health and human services; and that implementing such an initiative requires long-term sustainability and support. The general assembly expresses appreciation to the department for applying to SAMHSA for the comprehensive services program grant to implement a six-year project located in northeast Iowa. The purpose of the project is to create a family-driven, coordinated system of care for children with mental illness to serve as a model for developing a statewide approach based on family-provider partnerships and long-term sustainability. The general assembly strongly supports the grant application and implementation of the project as vital steps in redesigning the children's mental health system.

17. The department shall revise policies or administrative rules applicable when a breastfeeding infant is removed from the infant's home in accordance with chapter 232, to allow the infant's mother to continue to breastfeed the infant when such contact with the mother is in the best interest of the infant.

30 33 Sec. 17. ADOPTION SUBSIDY.

30 34 1. There is appropriated from the general fund of the

30 35 state to the department of human services for the fiscal year

31 1 beginning July 1, 2005, and ending June 30, 2006, the

31 2 following amount, or so much thereof as is necessary, to be

31 3 used for the purpose designated:

31 4 For adoption subsidy payments and services:

31 5 \$ 32,250,000

31 6 2. The department may transfer funds appropriated in this

31 7 section to the appropriations in this Act for child and family

31 8 services to be used for adoptive family recruitment and other

31 9 services to achieve adoption.

31 10 3. Federal funds received by the state during the fiscal

31 11 year beginning July 1, 2005, as the result of the expenditure

31 12 of state funds during a previous state fiscal year for a

31 13 service or activity funded under this section, are

31 14 appropriated to the department to be used as additional

31 15 funding for the services and activities funded under this

31 16 section. Notwithstanding section 8.33, moneys received in

31 17 accordance with this subsection that remain unencumbered or

31 18 unobligated at the close of the fiscal year shall not revert

31 19 to any fund but shall remain available for expenditure for the

31 20 purposes designated until the close of the succeeding fiscal

31 21 year.

31 22 Sec. 18. JUVENILE DETENTION HOME FUND. Moneys deposited

31 23 in the juvenile detention home fund created in section 232.142

31 24 during the fiscal year beginning July 1, 2005, and ending June

31 25 30, 2006, are appropriated to the department of human services

31 26 for the fiscal year beginning July 1, 2005, and ending June

31 27 30, 2006, for distribution as follows:

31 28 1. An amount equal to 10 percent of the costs of the

31 29 establishment, improvement, operation, and maintenance of

31 30 county or multicounty juvenile detention homes in the fiscal

31 31 year beginning July 1, 2004. Moneys appropriated for

31 32 distribution in accordance with this subsection shall be

31 33 allocated among eligible detention homes, prorated on the

31 34 basis of an eligible detention home's proportion of the costs

31 35 of all eligible detention homes in the fiscal year beginning

32 1 July 1, 2004. Notwithstanding section 232.142, subsection 3,

32 2 the financial aid payable by the state under that provision

32 3 for the fiscal year beginning July 1, 2005, shall be limited

32 4 to the amount appropriated for the purposes of this

32 5 subsection.

32 6 2. For renewal of a grant to a county with a population

32 7 between 189,000 and 196,000 for implementation of the county's

32 8 runaway treatment plan under section 232.195:

32 9 \$ 80,000

32 10 3. For continuation and expansion of the community

32 11 partnership for child protection sites:

32 12 \$ 318,000

32 13 4. For continuation of the department's minority youth and

32 14 family projects under the redesign of the child welfare

32 15 system:

32 16 \$ 375,000

32 17 5. For grants to counties implementing a runaway treatment

32 18 plan under section 232.195.

32 19 6. The remainder for additional allocations to county or

32 20 multicounty juvenile detention homes, in accordance with the

32 21 distribution requirements of subsection 1.

32 22 Sec. 19. FAMILY SUPPORT SUBSIDY PROGRAM. There is

32 23 appropriated from the general fund of the state to the

32 24 department of human services for the fiscal year beginning

32 25 July 1, 2005, and ending June 30, 2006, the following amount,

32 26 or so much thereof as is necessary, to be used for the purpose

32 27 designated:

32 28 For the family support subsidy program:

32 29 \$ 1,936,434

32 30 1. The department may use up to \$333,312 of the moneys

32 31 appropriated in this section to continue the children-at-home

32 32 program in current counties, of which not more than \$20,000

32 33 shall be used for administrative costs.

32 34 2. Notwithstanding section 225C.38, subsection 1, the

32 35 monthly family support payment amount for the fiscal year

33 1 beginning July 1, 2005, shall remain the same as the payment

33 2 amount in effect on June 30, 2005.

33 3 Sec. 20. CONNER DECREE. There is appropriated from the

33 4 general fund of the state to the department of human services

33 5 for the fiscal year beginning July 1, 2005, and ending June

33 6 30, 2006, the following amount, or so much thereof as is

33 7 necessary, to be used for the purpose designated:

33 8 For building community capacity through the coordination

33 9 and provision of training opportunities in accordance with the
33 10 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
33 11 Iowa, July 14, 1994):
33 12 \$ 42,623
33 13 Sec. 21. MENTAL HEALTH INSTITUTES. There is appropriated
33 14 from the general fund of the state to the department of human
33 15 services for the fiscal year beginning July 1, 2005, and
33 16 ending June 30, 2006, the following amounts, or so much
33 17 thereof as is necessary, to be used for the purposes
33 18 designated:
33 19 1. For the state mental health institute at Cherokee for
33 20 salaries, support, maintenance, and miscellaneous purposes and
33 21 for not more than the following full-time equivalent
33 22 positions:
33 23 \$ 13,079,889
33 24 FTEs 228.00
33 25 2. For the state mental health institute at Clarinda for
33 26 salaries, support, maintenance, and miscellaneous purposes and
33 27 for not more than the following full-time equivalent
33 28 positions:
33 29 \$ 7,439,591
33 30 FTEs 113.15
33 31 3. For the state mental health institute at Independence
33 32 for salaries, support, maintenance, and miscellaneous purposes
33 33 and for not more than the following full-time equivalent
33 34 positions:
33 35 \$ 17,334,091
34 1 FTEs 317.80
34 2 4. For the state mental health institute at Mount Pleasant
34 3 for salaries, support, maintenance, and miscellaneous purposes
34 4 and for not more than the following full-time equivalent
34 5 positions:
34 6 \$ 6,131,181
34 7 FTEs 100.44
34 8 Sec. 22. STATE RESOURCE CENTERS. There is appropriated
34 9 from the general fund of the state to the department of human
34 10 services for the fiscal year beginning July 1, 2005, and
34 11 ending June 30, 2006, the following amounts, or so much
34 12 thereof as is necessary, to be used for the purposes
34 13 designated:
34 14 1. For the state resource center at Glenwood for salaries,
34 15 support, maintenance, and miscellaneous purposes:
34 16 \$ 12,600,000
34 17 2. For the state resource center at Woodward for salaries,
34 18 support, maintenance, and miscellaneous purposes:
34 19 \$ 7,050,000
34 20 3. The department may continue to bill for state resource
34 21 center services utilizing a scope of services approach used
34 22 for private providers of ICFMR services, in a manner which
34 23 does not shift costs between the medical assistance program,
34 24 counties, or other sources of funding for the state resource
34 25 centers.
34 26 4. The state resource centers may expand the time limited
34 27 assessment and respite services during the fiscal year.
34 28 5. If the department's administration and the department
34 29 of management concur with a finding by a state resource
34 30 center's superintendent that projected revenues can reasonably
34 31 be expected to pay the salary and support costs for a new
34 32 employee position, or that such costs for adding a particular
34 33 number of new positions for the fiscal year would be less than
34 34 the overtime costs if new positions would not be added, the
34 35 superintendent may add the new position or positions. If the
35 1 vacant positions available to a resource center do not include
35 2 the position classification desired to be filled, the state
35 3 resource center's superintendent may reclassify any vacant
35 4 position as necessary to fill the desired position. The
35 5 superintendents of the state resource centers may, by mutual
35 6 agreement, pool vacant positions and position classifications
35 7 during the course of the fiscal year in order to assist one
35 8 another in filling necessary positions.
35 9 6. If existing capacity limitations are reached in
35 10 operating units, a waiting list is in effect for a service or
35 11 a special need for which a payment source or other funding is
35 12 available for the service or to address the special need, and
35 13 facilities for the service or to address the special need can
35 14 be provided within the available payment source or other
35 15 funding, the superintendent of a state resource center may
35 16 authorize opening not more than two units or other facilities
35 17 and to begin implementing the service or addressing the
35 18 special need during fiscal year 2005=2006.
35 19 Sec. 23. MI/MR/DD STATE CASES.

35 20 1. There is appropriated from the general fund of the
35 21 state to the department of human services for the fiscal year
35 22 beginning July 1, 2005, and ending June 30, 2006, the
35 23 following amount, or so much thereof as is necessary, to be
35 24 used for the purpose designated:
35 25 For purchase of local services for persons with mental
35 26 illness, mental retardation, and developmental disabilities
35 27 where the client has no established county of legal
35 28 settlement:
35 29 \$ 10,914,619
35 30 2. For the fiscal year beginning July 1, 2005, and ending
35 31 June 30, 2006, \$100,000 is allocated for state cases from the
35 32 amounts appropriated from the fund created in section 8.41 to
35 33 the department of human services from the funds received from
35 34 the federal government under 42 U.S.C., chapter 6A, subchapter
35 35 XVII, relating to the community mental health center block
36 1 grant, for the federal fiscal years beginning October 1, 2003,
36 2 and ending September 30, 2004, beginning October 1, 2004, and
36 3 ending September 30, 2005, and beginning October 1, 2005, and
36 4 ending September 30, 2006. The allocation made in this
36 5 subsection shall be made prior to any other distribution
36 6 allocation of the appropriated federal funds.
36 7 Sec. 24. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
36 8 COMMUNITY SERVICES FUND. There is appropriated from the
36 9 general fund of the state to the mental health and
36 10 developmental disabilities community services fund created in
36 11 section 225C.7 for the fiscal year beginning July 1, 2005, and
36 12 ending June 30, 2006, the following amount, or so much thereof
36 13 as is necessary, to be used for the purpose designated:
36 14 For mental health and developmental disabilities community
36 15 services in accordance with this division of this Act:
36 16 \$ 17,757,890
36 17 1. Of the funds appropriated in this section, \$17,727,890
36 18 shall be allocated to counties for funding of community-based
36 19 mental health and developmental disabilities services. The
36 20 moneys shall be allocated to a county as follows:
36 21 a. Fifty percent based upon the county's proportion of the
36 22 state's population of persons with an annual income which is
36 23 equal to or less than the poverty guideline established by the
36 24 federal office of management and budget.
36 25 b. Fifty percent based upon the county's proportion of the
36 26 state's general population.
36 27 2. a. A county shall utilize the funding the county
36 28 receives pursuant to subsection 1 for services provided to
36 29 persons with a disability, as defined in section 225C.2.
36 30 However, no more than 50 percent of the funding shall be used
36 31 for services provided to any one of the service populations.
36 32 b. A county shall use at least 50 percent of the funding
36 33 the county receives under subsection 1 for contemporary
36 34 services provided to persons with a disability, as described
36 35 in rules adopted by the department.
37 1 3. Of the funds appropriated in this section, \$30,000
37 2 shall be used to support the Iowa compass program providing
37 3 computerized information and referral services for Iowans with
37 4 disabilities and their families.
37 5 4. a. Funding appropriated for purposes of the federal
37 6 social services block grant is allocated for distribution to
37 7 counties for local purchase of services for persons with
37 8 mental illness or mental retardation or other developmental
37 9 disability.
37 10 b. The funds allocated in this subsection shall be
37 11 expended by counties in accordance with the county's approved
37 12 county management plan. A county without an approved county
37 13 management plan shall not receive allocated funds until the
37 14 county's management plan is approved.
37 15 c. The funds provided by this subsection shall be
37 16 allocated to each county as follows:
37 17 (1) Fifty percent based upon the county's proportion of
37 18 the state's population of persons with an annual income which
37 19 is equal to or less than the poverty guideline established by
37 20 the federal office of management and budget.
37 21 (2) Fifty percent based upon the amount provided to the
37 22 county for local purchase of services in the preceding fiscal
37 23 year.
37 24 5. A county is eligible for funds under this section if
37 25 the county qualifies for a state payment as described in
37 26 section 331.439.
37 27 6. If the department has data indicating that a geographic
37 28 area has a substantial number of persons with mental illness
37 29 who are homeless and are not being served by an existing
37 30 grantee for that area under the formula grant from the federal

37 31 alcohol, drug abuse, and mental health administration to
37 32 provide mental health services for the homeless and the
37 33 existing grantee has expressed a desire to no longer provide
37 34 services or the grantee's contract was terminated by the
37 35 department for nonperformance, the department shall issue a
38 1 request for proposals to replace the grantee. Otherwise, the
38 2 department shall maximize available funding by continuing to
38 3 contract to the extent possible with those persons who are
38 4 grantees as of October 1, 2005. The department shall issue a
38 5 request for proposals if additional funding becomes available
38 6 for expansion to persons who are not being served and it is
38 7 not possible to utilize existing grantees.

38 8 Sec. 25. SEXUALLY VIOLENT PREDATORS.

38 9 1. There is appropriated from the general fund of the
38 10 state to the department of human services for the fiscal year
38 11 beginning July 1, 2005, and ending June 30, 2006, the
38 12 following amount, or so much thereof as is necessary, to be
38 13 used for the purpose designated:

38 14 For costs associated with the commitment and treatment of
38 15 sexually violent predators in the unit located at the state
38 16 mental health institute at Cherokee, including costs of legal
38 17 services and other associated costs, including salaries,
38 18 support, maintenance, miscellaneous purposes, and for not more
38 19 than the following full-time equivalent positions:

38 20	\$ 3,621,338
38 21 FTEs	65.00

38 22 2. Unless specifically prohibited by law, if the amount
38 23 charged provides for recoupment of at least the entire amount
38 24 of direct and indirect costs, the department of human services
38 25 may contract with other states to provide care and treatment
38 26 of persons placed by the other states at the unit for sexually
38 27 violent predators at Cherokee. The moneys received under such
38 28 a contract shall be considered to be repayment receipts and
38 29 used for the purposes of the appropriation made in this
38 30 section.

38 31 Sec. 26. FIELD OPERATIONS. There is appropriated from the
38 32 general fund of the state to the department of human services
38 33 for the fiscal year beginning July 1, 2005, and ending June
38 34 30, 2006, the following amount, or so much thereof as is
38 35 necessary, to be used for the purposes designated:

39 1 For field operations, including salaries, support,
39 2 maintenance, and miscellaneous purposes and for not more than
39 3 the following full-time equivalent positions:

39 4	\$ 53,790,628
39 5 FTEs	1,844.00

39 6 Priority in filling full-time equivalent positions shall be
39 7 given to those positions related to child protection services.

39 8 Sec. 27. GENERAL ADMINISTRATION. There is appropriated
39 9 from the general fund of the state to the department of human
39 10 services for the fiscal year beginning July 1, 2005, and
39 11 ending June 30, 2006, the following amount, or so much thereof
39 12 as is necessary, to be used for the purpose designated:

39 13 For general administration, including salaries, support,
39 14 maintenance, and miscellaneous purposes and for not more than
39 15 the following full-time equivalent positions:

39 16	\$ 13,342,196
39 17 FTEs	293.00

39 18 Of the funds appropriated in this section, \$57,000 is
39 19 allocated for the prevention of disabilities policy council
39 20 established in section 225B.3.

39 21 Of the funds appropriated in this section, \$30,000 is
39 22 allocated to the department of human services for a statewide
39 23 coordinator for the program of all-inclusive care for the
39 24 elderly as defined in section 249H.3. The coordinator shall
39 25 work in collaboration with the department of elder affairs in
39 26 carrying out the coordinator's duties.

39 27 Sec. 28. VOLUNTEERS. There is appropriated from the
39 28 general fund of the state to the department of human services
39 29 for the fiscal year beginning July 1, 2005, and ending June
39 30 30, 2006, the following amount, or so much thereof as is
39 31 necessary, to be used for the purpose designated:

39 32 For development and coordination of volunteer services:

39 33	\$ 109,568
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39 34 Sec. 29. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
39 35 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
40 1 DEPARTMENT OF HUMAN SERVICES.

40 2 1. a. (1) For the fiscal year beginning July 1, 2005,
40 3 nursing facilities shall be reimbursed at 100 percent of the
40 4 modified price-based case-mix reimbursement rate. Nursing
40 5 facilities reimbursed under the medical assistance program
40 6 shall submit annual cost reports and additional documentation

40 7 as required by rules adopted by the department.

40 8 (2) For the fiscal year beginning July 1, 2005, the total
40 9 state funding amount for the nursing facility budget shall not
40 10 exceed \$161,600,000. The department, in cooperation with
40 11 nursing facility representatives, shall review projections for
40 12 state funding expenditures for reimbursement of nursing
40 13 facilities on a quarterly basis and the department shall
40 14 determine if an adjustment to the medical assistance
40 15 reimbursement rate is necessary in order to provide
40 16 reimbursement within the state funding amount. Any temporary
40 17 enhanced federal financial participation that may become
40 18 available to the Iowa medical assistance program during the
40 19 fiscal year shall not be used in projecting the nursing
40 20 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
40 21 section 4, subsection 2, paragraph "c", and subsection 3,
40 22 paragraph "a", subparagraph (2), if the state funding
40 23 expenditures for the nursing facility budget for the fiscal
40 24 year beginning July 1, 2005, are projected to exceed the
40 25 amount specified in this subparagraph, the department shall
40 26 adjust the inflation factor of the reimbursement rate
40 27 calculation for only the nursing facilities reimbursed under
40 28 the case-mix reimbursement system to maintain expenditures of
40 29 the nursing facility budget within the specified amount.

40 30 (3) For recalculation of the per diem cost and the
40 31 patient=day=weighted medians used in rate setting for nursing
40 32 facilities effective July 1, 2005, the inflation factor
40 33 applied from the midpoint of the cost report period to the
40 34 first day of the state fiscal year rate period shall not be
40 35 less than zero percent.

41 1 b. For the fiscal year beginning July 1, 2005, the
41 2 department shall reimburse pharmacy dispensing fees using a
41 3 single rate of \$4.39 per prescription, or the pharmacy's usual
41 4 and customary fee, whichever is lower.

41 5 c. For the fiscal year beginning July 1, 2005,
41 6 reimbursement rates for inpatient and outpatient hospital
41 7 services shall be increased by 3 percent over the rates in
41 8 effect on June 30, 2005. The department shall continue the
41 9 outpatient hospital reimbursement system based upon ambulatory
41 10 patient groups implemented pursuant to 1994 Iowa Acts, chapter
41 11 1186, section 25, subsection 1, paragraph "f". In addition,
41 12 the department shall continue the revised medical assistance
41 13 payment policy implemented pursuant to that paragraph to
41 14 provide reimbursement for costs of screening and treatment
41 15 provided in the hospital emergency room if made pursuant to
41 16 the prospective payment methodology developed by the
41 17 department for the payment of outpatient services provided
41 18 under the medical assistance program. Any rebasing of
41 19 hospital inpatient or outpatient rates shall not increase
41 20 total payments for inpatient and outpatient services beyond
41 21 the 3 percent increase provided in this paragraph.

41 22 d. For the fiscal year beginning July 1, 2005,
41 23 reimbursement rates for rural health clinics, hospices,
41 24 independent laboratories, and acute mental hospitals shall be
41 25 increased in accordance with increases under the federal
41 26 Medicare program or as supported by their Medicare audited
41 27 costs.

41 28 e. (1) For the fiscal year beginning July 1, 2005,
41 29 reimbursement rates for home health agencies shall be
41 30 increased by 3 percent over the rates in effect on June 30,
41 31 2005, not to exceed a home health agency's actual allowable
41 32 cost.

41 33 (2) The department shall establish a fixed=fee
41 34 reimbursement schedule for home health agencies under the
41 35 medical assistance program beginning July 1, 2006.

42 1 f. For the fiscal year beginning July 1, 2005, federally
42 2 qualified health centers shall receive cost=based
42 3 reimbursement for 100 percent of the reasonable costs for the
42 4 provision of services to recipients of medical assistance.

42 5 g. Beginning July 1, 2005, the reimbursement rates for
42 6 dental services shall be increased by 3 percent over the rates
42 7 in effect on June 30, 2005.

42 8 h. Beginning July 1, 2005, the reimbursement rates for
42 9 community mental health centers shall be increased by 3
42 10 percent over the rates in effect on June 30, 2005.

42 11 i. For the fiscal year beginning July 1, 2005, the maximum
42 12 reimbursement rate for psychiatric medical institutions for
42 13 children shall be \$156.03 per day.

42 14 j. For the fiscal year beginning July 1, 2005, unless
42 15 otherwise specified in this Act, all noninstitutional medical
42 16 assistance provider reimbursement rates shall be increased by
42 17 3 percent over the rates in effect on June 30, 2005, except

42 18 for area education agencies, local education agencies, infant
42 19 and toddler services providers, and those providers whose
42 20 rates are required to be determined pursuant to section
42 21 249A.20.

42 22 k. Notwithstanding section 249A.20, for the fiscal year
42 23 beginning July 1, 2005, the average reimbursement rate for
42 24 health care providers eligible for use of the federal Medicare
42 25 resource-based relative value scale reimbursement methodology
42 26 under that section shall be increased by 3 percent over the
42 27 rate in effect on June 30, 2005; however, this rate shall not
42 28 exceed the maximum level authorized by the federal government.

42 29 2. For the fiscal year beginning July 1, 2005, the
42 30 reimbursement rate for residential care facilities shall not
42 31 be less than the minimum payment level as established by the
42 32 federal government to meet the federally mandated maintenance
42 33 of effort requirement. The flat reimbursement rate for
42 34 facilities electing not to file semiannual cost reports shall
42 35 not be less than the minimum payment level as established by
43 1 the federal government to meet the federally mandated
43 2 maintenance of effort requirement.

43 3 3. For the fiscal year beginning July 1, 2005, the
43 4 reimbursement rate for providers reimbursed under the in=
43 5 home=related care program shall not be less than the minimum
43 6 payment level as established by the federal government to meet
43 7 the federally mandated maintenance of effort requirement.

43 8 4. Unless otherwise directed in this section, when the
43 9 department's reimbursement methodology for any provider
43 10 reimbursed in accordance with this section includes an
43 11 inflation factor, this factor shall not exceed the amount by
43 12 which the consumer price index for all urban consumers
43 13 increased during the calendar year ending December 31, 2002.

43 14 5. Notwithstanding section 234.38, in the fiscal year
43 15 beginning July 1, 2005, the foster family basic daily
43 16 maintenance rate and the maximum adoption subsidy rate for
43 17 children ages 0 through 5 years shall be \$14.91, the rate for
43 18 children ages 6 through 11 years shall be \$15.58, the rate for
43 19 children ages 12 through 15 years shall be \$17.18, and the
43 20 rate for children ages 16 and older shall be \$17.27.

43 21 6. For the fiscal year beginning July 1, 2005, the maximum
43 22 reimbursement rates for social service providers shall be
43 23 increased by 3 percent over the rates in effect on June 30,
43 24 2005, or to the provider's actual and allowable cost plus
43 25 inflation for each service, whichever is less. The rates may
43 26 also be adjusted under any of the following circumstances:

43 27 a. If a new service was added after June 30, 2005, the
43 28 initial reimbursement rate for the service shall be based upon
43 29 actual and allowable costs.

43 30 b. If a social service provider loses a source of income
43 31 used to determine the reimbursement rate for the provider, the
43 32 provider's reimbursement rate may be adjusted to reflect the
43 33 loss of income, provided that the lost income was used to
43 34 support actual and allowable costs of a service purchased
43 35 under a purchase of service contract.

44 1 7. The group foster care reimbursement rates paid for
44 2 placement of children out of state shall be calculated
44 3 according to the same rate-setting principles as those used
44 4 for in-state providers unless the director of human services
44 5 or the director's designee determines that appropriate care
44 6 cannot be provided within the state. The payment of the daily
44 7 rate shall be based on the number of days in the calendar
44 8 month in which service is provided.

44 9 8. For the fiscal year beginning July 1, 2005, the
44 10 reimbursement rates for rehabilitative treatment and support
44 11 services providers shall be increased by 3 percent over the
44 12 rates in effect on June 30, 2005. It is the intent of the
44 13 general assembly that the increase in reimbursement rates
44 14 authorized in this subsection shall be used for the provision
44 15 of direct care with an emphasis on increasing the compensation
44 16 for direct care workers.

44 17 9. a. For the fiscal year beginning July 1, 2005, the
44 18 combined service and maintenance components of the
44 19 reimbursement rate paid for shelter care services purchased
44 20 under a contract shall be based on the financial and
44 21 statistical report submitted to the department. The maximum
44 22 reimbursement rate shall be \$86.20 per day. The department
44 23 shall reimburse a shelter care provider at the provider's
44 24 actual and allowable unit cost, plus inflation, not to exceed
44 25 the maximum reimbursement rate.

44 26 b. Notwithstanding section 232.141, subsection 8, for the
44 27 fiscal year beginning July 1, 2005, the amount of the
44 28 statewide average of the actual and allowable rates for

44 29 reimbursement of juvenile shelter care homes that is utilized
44 30 for the limitation on recovery of unpaid costs shall be
44 31 increased by \$2.51 over the amount in effect for this purpose
44 32 in the preceding fiscal year.

44 33 c. Notwithstanding section 8A.311, commencing during the
44 34 fiscal year beginning July 1, 2005, the department may enter
44 35 into contracts with shelter care providers as necessary to
45 1 maintain the availability of shelter care services for
45 2 children in all areas of the state.

45 3 10. For the fiscal year beginning July 1, 2005, the
45 4 department shall calculate reimbursement rates for
45 5 intermediate care facilities for persons with mental
45 6 retardation at the 80th percentile.

45 7 11. Beginning on September 1, 2005, for child care
45 8 providers reimbursed under the state child care assistance
45 9 program, the department shall set provider reimbursement rates
45 10 based on the rate reimbursement survey completed in December
45 11 2002. The department shall set rates in a manner so as to
45 12 provide incentives for a nonregistered provider to become
45 13 registered. If the federal government provides additional
45 14 funding for child care during the fiscal year beginning July
45 15 1, 2005, the additional funding shall be used to develop and
45 16 implement an electronic billing and payment system for child
45 17 care providers.

45 18 12. For the fiscal year beginning July 1, 2005,
45 19 reimbursements for providers reimbursed by the department of
45 20 human services may be modified if appropriated funding is
45 21 allocated for that purpose from the senior living trust fund
45 22 created in section 249H.4, or as specified in appropriations
45 23 from the healthy Iowans tobacco trust created in section
45 24 12.65.

45 25 13. The department may adopt emergency rules to implement
45 26 this section.

45 27 Sec. 30. SHELTER CARE REQUEST FOR PROPOSALS. The
45 28 department of human services shall amend the request for
45 29 proposals issued on April 15, 2005, for a program to provide
45 30 for the statewide availability of emergency juvenile shelter
45 31 care during the fiscal year beginning July 1, 2005, to
45 32 increase the statewide daily average number of beds covered
45 33 under the request to 288 beds in order to include 15
45 34 unallocated beds statewide for emergency placements. However,
45 35 if the date of enactment of this Act does not allow sufficient
46 1 time for the department to amend the request for proposals as
46 2 otherwise required by this section, the department shall apply
46 3 the requirement in the negotiations with the program awarded
46 4 the contract and shall include the requirement in the final
46 5 contract.

46 6 Sec. 31. 2001 Iowa Acts, chapter 192, section 4,
46 7 subsection 3, paragraphs e and f, as amended by 2004 Iowa
46 8 Acts, chapter 1175, section 154, are amended to read as
46 9 follows:

46 10 e. The department shall calculate the rate ceiling for the
46 11 direct-care cost component at 120 percent of the median of
46 12 case-mix adjusted costs. Nursing facilities with case-mix
46 13 adjusted costs at 95 percent of the median or greater, shall
46 14 receive an amount equal to their costs not to exceed 120
46 15 percent of the median. ~~Nursing facilities with case-mix~~
~~46 16 adjusted costs below 95 percent of the median shall receive an~~
~~46 17 excess payment allowance by having their payment rate for the~~
~~46 18 direct-care cost component calculated as their case-mix~~
~~46 19 adjusted cost plus 100 percent of the difference between 95~~
~~46 20 percent of the median and their case-mix adjusted cost, not to~~
~~46 21 exceed 10 percent of the median of case-mix adjusted costs.~~
~~46 22 Beginning July 1, 2004, nursing facilities with case-mix~~
~~46 23 adjusted costs below 95 percent of the median shall receive an~~
~~46 24 excess payment allowance by having their payment rate for the~~
~~46 25 direct-care cost component calculated as their case-mix~~
~~46 26 adjusted cost plus 50 percent of the difference between 95~~
~~46 27 percent of the median and their case-mix adjusted cost, not to~~
~~46 28 exceed 10 percent of the median of case-mix adjusted costs.~~
~~46 29 Any excess payment allowance realized from the direct care~~
~~46 30 cost component of the modified price-based case-mix~~
~~46 31 reimbursement shall be expended to increase the compensation~~
~~46 32 of direct care workers or to increase the ratio of direct care~~
~~46 33 workers to residents. The department of human services shall~~
~~46 34 implement a new monitoring and reporting system to assess~~
~~46 35 compliance with the provisions of this paragraph.~~

47 1 f. The department shall calculate the rate ceiling for the
47 2 nondirect care cost component at 110 percent of the median of
47 3 non-case-mix adjusted costs. Nursing facilities with non-
47 4 case-mix adjusted costs at 96 percent of the median or greater

47 5 shall receive an amount equal to their costs not to exceed 110
47 6 percent of the median. ~~Nursing facilities with non-case-mix~~
~~47 7 adjusted costs below 96 percent of the median shall receive an~~
~~47 8 excess payment allowance that is their costs plus 65 percent~~
~~47 9 of the difference between 96 percent of the median and their~~
~~47 10 non-case-mix adjusted costs, not to exceed 8 percent of the~~
~~47 11 median of non-case-mix adjusted costs. Beginning July 1,~~
~~47 12 2004, nursing facilities with non-case-mix adjusted costs~~
~~47 13 below 96 percent of the median shall receive an excess payment~~
~~47 14 allowance that is their costs plus 32.5 percent of the~~
~~47 15 difference between 96 percent of the median and their~~
~~47 16 non-case-mix adjusted costs, not to exceed 8 percent of the~~
~~47 17 median of non-case-mix adjusted costs. Any excess payment~~
~~47 18 allowance realized from the nondirect care cost component of~~
~~47 19 the modified price-based case-mix reimbursement shall be used~~
~~47 20 to fund quality of life improvements. The department of human~~
~~47 21 services shall implement a new monitoring and reporting system~~
~~47 22 to assess compliance with the provisions of this paragraph.~~

47 23 Sec. 32. 2003 Iowa Acts, chapter 178, section 45,
47 24 unnumbered paragraph 3, as enacted by 2004 Iowa Acts, chapter
47 25 1175, section 160, is amended to read as follows:

47 26 Notwithstanding section 8.33, moneys appropriated in this
47 27 section that remain unencumbered or unobligated at the close
47 28 of the fiscal year shall not revert but shall remain available
47 29 for expenditure for the child and family services until the
47 30 close of the ~~succeeding~~ fiscal year beginning July 1, 2005.

47 31 Sec. 33. 2004 Iowa Acts, chapter 1175, section 109,
47 32 subsection 2, paragraph g, is amended to read as follows:

47 33 g. Notwithstanding section 8.33, up to ~~\$500,000~~ \$1,000,000
47 34 of the Iowa veterans home revenues that remain unencumbered or
47 35 unobligated at the close of the fiscal year shall not revert
48 1 but shall remain available to be used in the succeeding fiscal
48 2 year.

48 3 Sec. 34. 2004 Iowa Acts, chapter 1175, section 113, is
48 4 amended by adding the following new subsection:

48 5 NEW SUBSECTION. 5. Notwithstanding section 8.33, moneys
48 6 appropriated in this section that were allocated by the
48 7 department for the purpose of meeting federal food stamp
48 8 electronic benefit transfer requirements that remain
48 9 unencumbered or unobligated at the close of the fiscal year
48 10 shall not revert but shall remain available for expenditure
48 11 for the purpose designated until the close of the succeeding
48 12 fiscal year.

48 13 Sec. 35. 2004 Iowa Acts, chapter 1175, section 134, is
48 14 amended by adding the following new subsection:

48 15 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
48 16 appropriated in this section that remain unencumbered or
48 17 unobligated at the close of the fiscal year shall not revert
48 18 but shall remain available for expenditure for the purposes
48 19 designated until the close of the succeeding fiscal year.

48 20 Sec. 36. 2004 Iowa Acts, chapter 1175, section 135, is
48 21 amended by adding the following new subsection:

48 22 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
48 23 appropriated in this section for field operations that remain
48 24 unencumbered or unobligated at the close of the fiscal year
48 25 shall not revert but shall remain available for expenditure
48 26 for the purposes designated with up to fifty percent to be
48 27 used for implementation and operational costs associated with
48 28 Part D of the federal Medicare Prescription Drug, Improvement,
48 29 and Modernization Act of 2003, Pub. L. No. 108-173, until the
48 30 close of the succeeding fiscal year.

48 31 Sec. 37. EMERGENCY RULES. If specifically authorized by a
48 32 provision of this division of this Act, the department of
48 33 human services or the mental health, mental retardation,
48 34 developmental disabilities, and brain injury commission may
48 35 adopt administrative rules under section 17A.4, subsection 2,
49 1 and section 17A.5, subsection 2, paragraph "b", to implement
49 2 the provisions and the rules shall become effective
49 3 immediately upon filing or on a later effective date specified
49 4 in the rules, unless the effective date is delayed by the
49 5 administrative rules review committee. Any rules adopted in
49 6 accordance with this section shall not take effect before the
49 7 rules are reviewed by the administrative rules review
49 8 committee. The delay authority provided to the administrative
49 9 rules review committee under section 17A.4, subsection 5, and
49 10 section 17A.8, subsection 9, shall be applicable to a delay
49 11 imposed under this section, notwithstanding a provision in
49 12 those sections making them inapplicable to section 17A.5,
49 13 subsection 2, paragraph "b". Any rules adopted in accordance
49 14 with the provisions of this section shall also be published as
49 15 notice of intended action as provided in section 17A.4.

49 16 Sec. 38. REPORTS. Any reports or information required to
49 17 be compiled and submitted under this division of this Act
49 18 shall be submitted to the chairpersons and ranking members of
49 19 the joint appropriations subcommittee on health and human
49 20 services, the legislative services agency, and the legislative
49 21 caucus staffs on or before the dates specified for submission
49 22 of the reports or information.

49 23 Sec. 39. INDIGENT PATIENT PROGRAM. If the Eighty-first
49 24 General Assembly, 2005 Regular Session, enacts legislation
49 25 subsequent to the enactment of 2005 Iowa Acts, House File 841,
49 26 relating to the medical and surgical treatment of indigent
49 27 patients as provided in chapter 255 that is in conflict with
49 28 the provisions of 2005 Iowa Acts, House File 841, including
49 29 provisions relating to the quota under chapter 255, the
49 30 provisions of 2005 Iowa Acts, House File 841, shall prevail.

49 31 Sec. 40. EFFECTIVE DATES. The following provisions of
49 32 this division of this Act, being deemed of immediate
49 33 importance, take effect upon enactment:

49 34 1. The provision under the appropriation for child and
49 35 family services, relating to requirements of section 232.143
50 1 for representatives of the department of human services and
50 2 juvenile court services to establish a plan for continuing
50 3 group foster care expenditures for the 2005=2006 fiscal year.

50 4 2. The provision under the appropriation for child and
50 5 family services, relating to the state court administrator
50 6 determining allocation of court-ordered services funding by
50 7 June 15, 2005.

50 8 3. The provision directing the department of human
50 9 services to amend the request for proposals issued on April
50 10 15, 2005, to provide for statewide emergency juvenile shelter
50 11 care.

50 12 4. The provision amending 2003 Iowa Acts, chapter 178,
50 13 section 45, unnumbered paragraph 3, as enacted by 2004 Iowa
50 14 Acts, chapter 1175, section 160.

50 15 5. The provision amending 2004 Iowa Acts, chapter 1175,
50 16 section 109.

50 17 6. The provision amending 2004 Iowa Acts, chapter 1175,
50 18 section 113.

50 19 7. The provision amending 2004 Iowa Acts, chapter 1175,
50 20 section 134.

50 21 8. The provision amending 2004 Iowa Acts, chapter 1175,
50 22 section 135.

50 23 DIVISION II

50 24 SENIOR LIVING TRUST FUND, HOSPITAL TRUST
50 25 FUND, AND PHARMACEUTICAL SETTLEMENT ACCOUNT

50 26 Sec. 41. DEPARTMENT OF ELDER AFFAIRS. There is
50 27 appropriated from the senior living trust fund created in
50 28 section 249H.4 to the department of elder affairs for the
50 29 fiscal year beginning July 1, 2005, and ending June 30, 2006,
50 30 the following amount, or so much thereof as is necessary, to
50 31 be used for the purpose designated:

50 32 For the development and implementation of a comprehensive
50 33 senior living program, including program administration and
50 34 costs associated with implementation, salaries, support,
50 35 maintenance, and miscellaneous purposes and for not more than
51 1 the following full-time equivalent positions:
51 2 \$ 8,289,368
51 3 FTEs 3.00

51 4 Notwithstanding section 249H.7, the department of elder
51 5 affairs shall distribute up to \$400,000 of the funds
51 6 appropriated in this section in a manner that will supplement
51 7 and maximize federal funds under the federal Older Americans
51 8 Act and shall not use the amount distributed for any
51 9 administrative purposes of either the department of elder
51 10 affairs or the area agencies on aging.

51 11 Sec. 42. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
51 12 appropriated from the senior living trust fund created in
51 13 section 249H.4 to the department of inspections and appeals
51 14 for the fiscal year beginning July 1, 2005, and ending June
51 15 30, 2006, the following amount, or so much thereof as is
51 16 necessary, to be used for the purpose designated:

51 17 For the inspection and certification of assisted living
51 18 facilities and adult day care services, including program
51 19 administration and costs associated with implementation,
51 20 salaries, support, maintenance, and miscellaneous purposes and
51 21 for not more than the following full-time equivalent
51 22 positions:
51 23 \$ 732,750
51 24 FTEs 5.00

51 25 Sec. 43. DEPARTMENT OF HUMAN SERVICES. There is
51 26 appropriated from the senior living trust fund created in

51 27 section 249H.4 to the department of human services for the
 51 28 fiscal year beginning July 1, 2005, and ending June 30, 2006,
 51 29 the following amounts, or so much thereof as is necessary, to
 51 30 be used for the purposes designated:
 51 31 1. To supplement the medical assistance appropriation,
 51 32 including program administration and costs associated with
 51 33 implementation, salaries, support, maintenance, and
 51 34 miscellaneous purposes:
 51 35 \$ 59,647,109
 52 1 2. To provide reimbursement for health care services to
 52 2 eligible persons through the home and community-based services
 52 3 waiver and the state supplementary assistance program,
 52 4 including program administration and data system costs
 52 5 associated with implementation, salaries, support,
 52 6 maintenance, and miscellaneous purposes and for not more than
 52 7 the following full-time equivalent positions:
 52 8 \$ 1,033,406
 52 9 FTEs 5.00
 52 10 3. To implement nursing facility provider reimbursements
 52 11 as provided in 2001 Iowa Acts, chapter 192, section 4,
 52 12 subsection 2, paragraph "c":
 52 13 \$ 29,950,000
 52 14 In order to carry out the purposes of this section, the
 52 15 department shall transfer funds appropriated in this section
 52 16 to supplement other appropriations made to the department of
 52 17 human services.
 52 18 4. Notwithstanding sections 249H.4 and 249H.5, the
 52 19 department of human services may use moneys from the senior
 52 20 living trust fund for cash flow purposes to make payments
 52 21 under the nursing facility or hospital upper payment limit
 52 22 methodology. The amount of any moneys so used shall be
 52 23 refunded to the senior living trust fund within the same
 52 24 fiscal year and in a prompt manner.
 52 25 Sec. 44. ASSISTED LIVING CONVERSION GRANTS ==
 52 26 NONREVERSION. Notwithstanding section 8.33, moneys committed
 52 27 from the senior living trust fund to grantees under contract
 52 28 to provide for conversion to assisted living programs or for
 52 29 development of long-term care alternatives that remain
 52 30 unexpended at the close of any fiscal year shall not revert to
 52 31 any fund but shall remain available for expenditure for
 52 32 purposes of the contract.
 52 33 Sec. 45. IOWA FINANCE AUTHORITY. There is appropriated
 52 34 from the senior living trust fund created in section 249H.4 to
 52 35 the Iowa finance authority for the fiscal year beginning July
 53 1 1, 2005, and ending June 30, 2006, the following amount, or so
 53 2 much thereof as is necessary, to be used for the purposes
 53 3 designated:
 53 4 To provide reimbursement for rent expenses to eligible
 53 5 persons:
 53 6 \$ 700,000
 53 7 Participation in the rent subsidy program shall be limited
 53 8 to only those persons who meet the nursing facility level of
 53 9 care for home and community-based services waiver services as
 53 10 established on or after July 1, 2005.
 53 11 Sec. 46. HOSPITAL TRUST FUND. There is appropriated from
 53 12 the hospital trust fund created in section 249I.4 to the
 53 13 department of human services for the fiscal year beginning
 53 14 July 1, 2005, and ending June 30, 2006, the following amount,
 53 15 or so much thereof as is necessary, to be used for the purpose
 53 16 designated:
 53 17 To supplement the appropriations made for the medical
 53 18 assistance program for that fiscal year:
 53 19 \$ 22,900,000
 53 20 Sec. 47. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
 53 21 appropriated from the pharmaceutical settlement account
 53 22 created in section 249A.33 to the department of human services
 53 23 for the fiscal year beginning July 1, 2005, and ending June
 53 24 30, 2006, the following amount, or so much thereof as is
 53 25 necessary, to be used for the purpose designated:
 53 26 To supplement the appropriations made for medical contracts
 53 27 under the medical assistance program:
 53 28 \$ 85,000
 53 29 Sec. 48. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
 53 30 LIVING TRUST FUND FOR FY 2005=2006. Notwithstanding section
 53 31 8.33, if moneys appropriated in this Act for purposes of the
 53 32 medical assistance program for the fiscal year beginning July
 53 33 1, 2005, and ending June 30, 2006, from the general fund of
 53 34 the state, the senior living trust fund, the hospital trust
 53 35 fund, or the healthy Iowans tobacco trust fund are in excess
 54 1 of actual expenditures for the medical assistance program and
 54 2 remain unencumbered or unobligated at the close of the fiscal

54 3 year, the excess moneys shall not revert but shall be
54 4 transferred to the senior living trust fund created in section
54 5 249H.4.
54 6 Sec. 49. EFFECTIVE DATE. The section of this division of
54 7 this Act relating to nonreversion of assisted living
54 8 conversion grant moneys, being deemed of immediate importance,
54 9 takes effect upon enactment.

54 10 DIVISION III
54 11 MENTAL HEALTH, MENTAL RETARDATION,
54 12 DEVELOPMENTAL DISABILITIES,
54 13 AND BRAIN INJURY SERVICES

54 14 Sec. 50. 2004 Iowa Acts, chapter 1175, section 173,
54 15 subsection 1, is amended by adding the following new
54 16 unnumbered paragraph:

54 17 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
54 18 section 426B.5, subsection 1, paragraph "d", moneys
54 19 appropriated in this subsection that remain unencumbered or
54 20 unobligated at the close of the fiscal year shall not revert
54 21 but shall remain available for expenditure for the purposes
54 22 designated until the close of the succeeding fiscal year.

54 23 Sec. 51. 2004 Iowa Acts, chapter 1175, section 173,
54 24 subsection 2, paragraph c, is amended to read as follows:

~~54 25 c. For deposit in the risk pool created in the property~~
~~54 26 tax relief fund and for distribution in accordance with~~
~~54 27 section 426B.5, subsection 2 To the department of human~~
~~54 28 services for supplementation of the appropriations made for~~
~~54 29 the medical assistance program for the fiscal year beginning~~
54 30 July 1, 2005, and ending June 30, 2006:

54 31 \$ 2,000,000

54 32 Sec. 52. 2004 Iowa Acts, chapter 1175, section 173, is
54 33 amended by adding the following new subsections:

54 34 NEW SUBSECTION. 3. The following formula amounts shall be
54 35 utilized only to calculate preliminary distribution amounts
55 1 for fiscal year 2005=2006 under this section by applying the
55 2 indicated formula provisions to the formula amounts and
55 3 producing a preliminary distribution total for each county:

55 4 a. For calculation of an allowed growth factor adjustment
55 5 amount for each county in accordance with the formula in
55 6 section 331.438, subsection 2, paragraph "b":
55 7 \$ 12,000,000

55 8 b. For calculation of a distribution amount for eligible
55 9 counties from the per capita expenditure target pool created
55 10 in the property tax relief fund in accordance with the
55 11 requirements in section 426B.5, subsection 1:
55 12 \$ 23,925,724

55 13 c. For calculation of a distribution amount for counties
55 14 from the mental health and developmental disabilities (MH/DD)
55 15 community services fund in accordance with the formula
55 16 provided in the appropriation made for the MH/DD community
55 17 services fund for the fiscal year beginning July 1, 2005:
55 18 \$ 17,727,890

55 19 NEW SUBSECTION. 4. After applying the applicable
55 20 statutory distribution formulas to the amounts indicated in
55 21 subsection 3 for purposes of producing preliminary
55 22 distribution totals, the department of human services shall
55 23 apply a withholding factor to adjust an eligible individual
55 24 county's preliminary distribution total. An ending balance
55 25 percentage for each county shall be determined by expressing
55 26 the county's ending balance on a modified accrual basis under
55 27 generally accepted accounting principles for the fiscal year
55 28 beginning July 1, 2004, in the county's mental health, mental
55 29 retardation, and developmental disabilities services fund
55 30 created under section 331.424A, as a percentage of the
55 31 county's gross expenditures from that fund for that fiscal
55 32 year. The withholding factor for a county shall be the
55 33 following applicable percent:

55 34 a. For an ending balance percentage of less than 5
55 35 percent, a withholding factor of 0 percent. In addition, a
56 1 county that is subject to this lettered paragraph shall
56 2 receive an inflation adjustment equal to 3 percent of the
56 3 gross expenditures reported for the county's services fund for
56 4 the fiscal year.

56 5 b. For an ending balance percentage of 5 or more but less
56 6 than 10 percent, a withholding factor of 0 percent. In
56 7 addition, a county that is subject to this lettered paragraph
56 8 shall receive an inflation adjustment equal to 2 percent of
56 9 the gross expenditures reported for the county's services fund
56 10 for the fiscal year.

56 11 c. For an ending balance percentage of 10 or more but less
56 12 than 25 percent, a withholding factor of 25 percent.

56 13 d. For an ending balance percentage of 25 percent or more,

56 14 a withholding percentage of 100 percent.
56 15 NEW SUBSECTION. 5. The total withholding amounts applied
56 16 pursuant to subsection 4 shall be equal to a withholding
56 17 target amount of \$9,418,362. If the department of human
56 18 services determines that the amount to be withheld in
56 19 accordance with subsection 4 is not equal to the target
56 20 withholding amount, the department shall adjust the
56 21 withholding factors listed in subsection 4 as necessary to
56 22 achieve the withholding target amount. However, in making
56 23 such adjustments to the withholding factors, the department
56 24 shall strive to minimize changes to the withholding factors
56 25 for those ending balance percentage ranges that are lower than
56 26 others and shall not adjust the zero withholding factor or the
56 27 inflation adjustment percentage specified in subsection 4,
56 28 paragraph "a".

56 29 NEW SUBSECTION. 6. a. In addition to the amount to be
56 30 distributed under subsection 4, for the fiscal year beginning
56 31 July 1, 2005, a county with an ending balance percentage under
56 32 subsection 4 of less than zero shall receive a distribution
56 33 from the sum of the following:

56 34 (1) The amounts appropriated in 2004 Iowa Acts, chapter
56 35 1175, section 132 and section 173, subsection 1, that were not
57 1 distributed and did not revert at the close of the fiscal year
57 2 beginning July 1, 2004.

57 3 (2) The amounts appropriated for the fiscal year beginning
57 4 July 1, 2005, for the mental health and developmental
57 5 disabilities community services fund and in this section that
57 6 were not distributed in accordance with subsections 3, 4, and
57 7 5.

57 8 b. The amount of a county's distribution under paragraph
57 9 "a" shall be equal to the county's proportion of the general
57 10 population of the counties eligible to receive a distribution
57 11 under this subsection.

57 12 c. The distribution amount determined under this
57 13 subsection shall be included in the county's allowed growth
57 14 payment determined in accordance with subsections 3, 4, and 5.

57 15 Sec. 53. EFFECTIVE DATE. The section of this division of
57 16 this Act amending 2004 Iowa Acts, chapter 1175, section 173,
57 17 subsection 1, being deemed of immediate importance, takes
57 18 effect upon enactment.

57 19 DIVISION IV
57 20 CODE CHANGES

57 21 Sec. 54. Section 15H.3, subsection 5, as enacted by 2005
57 22 Iowa Acts, House File 478, section 3, is amended to read as
57 23 follows:

57 24 5. Members shall serve staggered terms of three years
57 25 beginning ~~and ending as provided by section 69.19~~ July 1.
57 26 Members of the commission shall serve no more than two three=
57 27 year terms. Any vacancy shall be filled in the same manner as
57 28 the original appointment.

57 29 Sec. 55. NEW SECTION. 16.184 TRANSITIONAL HOUSING
57 30 REVOLVING LOAN PROGRAM FUND.

57 31 1. A transitional housing revolving loan program fund is
57 32 created within the authority to further the availability of
57 33 affordable housing for parents that are reuniting with their
57 34 children while completing or participating in substance abuse
57 35 treatment. The moneys in the fund are annually appropriated
58 1 to the authority to be used for the development and operation
58 2 of a revolving loan program to provide financing to construct
58 3 affordable transitional housing, including through new
58 4 construction or acquisition and rehabilitation of existing
58 5 housing. The housing provided shall be geographically located
58 6 in close proximity to licensed substance abuse treatment
58 7 programs. Preference in funding shall be given to projects
58 8 that reunite mothers with the mothers' children.

58 9 2. Moneys transferred by the authority for deposit in the
58 10 transitional housing revolving loan program fund, moneys
58 11 appropriated to the transitional housing revolving loan
58 12 program, and any other moneys available to and obtained or
58 13 accepted by the authority for placement in the fund shall be
58 14 deposited in the fund. Additionally, payment of interest,
58 15 recaptures of awards, and other repayments to the transitional
58 16 housing revolving loan program fund shall be credited to the
58 17 fund. Notwithstanding section 12C.7, subsection 2, interest
58 18 or earnings on moneys in the transitional housing revolving
58 19 loan program fund shall be credited to the fund.
58 20 Notwithstanding section 8.33, moneys that remain unencumbered
58 21 or unobligated at the close of the fiscal year shall not
58 22 revert but shall remain available for the same purpose in the
58 23 succeeding fiscal year.

58 24 3. The authority shall annually allocate moneys available

58 25 in the transitional housing revolving loan program fund for
58 26 the development of affordable transitional housing for parents
58 27 that are reuniting with the parents' children while completing
58 28 or participating in substance abuse treatment. The authority
58 29 shall develop a joint application process for the allocation
58 30 of federal low-income housing tax credits and the funds
58 31 available under this section. Moneys allocated to such
58 32 projects may be in the form of loans, grants, or a combination
58 33 of loans and grants.

58 34 4. The authority shall adopt rules pursuant to chapter 17A
58 35 to administer this section.

59 1 Sec. 56. Section 28.9, subsection 3, Code 2005, is amended
59 2 to read as follows:

59 3 3. a. An early childhood programs grant account is
59 4 created in the Iowa empowerment fund under the authority of
59 5 the director of human services. Moneys credited to the
59 6 account are appropriated to and shall be distributed by the
59 7 department of human services in the form of grants to
59 8 community empowerment areas pursuant to criteria established
59 9 by the Iowa board in accordance with law. The criteria shall
59 10 include but are not limited to a requirement that a community
59 11 empowerment area must be designated by the Iowa board in
59 12 accordance with section 28.5, in order to be eligible to
59 13 receive an early childhood programs grant.

59 14 b. The maximum funding amount a community empowerment area
59 15 is eligible to receive from the early childhood programs grant
59 16 account for a fiscal year shall be determined by applying the
59 17 area's percentage of the state's average monthly family
59 18 investment program population in the preceding fiscal year to
59 19 the total amount credited to the account for the fiscal year.

59 20 c. A community empowerment area receiving funding from the
59 21 early childhood program grant account shall comply with any
59 22 federal reporting requirements associated with the use of that
59 23 funding and other results and reporting requirements
59 24 established by the Iowa empowerment board. The department of
59 25 human services shall provide technical assistance in
59 26 identifying and meeting the federal requirements. The
59 27 availability of funding provided from the account is subject
59 28 to changes in federal requirements and amendments to Iowa law.

59 29 d. The moneys distributed from the early childhood program
59 30 grant account shall be used by community empowerment areas for
59 31 the purposes of enhancing quality child care capacity in
59 32 support of parent capability to obtain or retain employment.
59 33 The moneys shall be used with a primary emphasis on low-income
59 34 families and children from birth to five years of age. Moneys
59 35 shall be provided in a flexible manner and shall be used to
60 1 implement strategies identified by the community empowerment
60 2 area to achieve such purposes. The department of human
60 3 services may use a portion of the funding appropriated to the
60 4 department under this subsection for provision of technical
60 5 assistance and other support to community empowerment areas
60 6 developing and implementing strategies with grant moneys
60 7 distributed from the account.

60 8 e. Moneys from a federal block grant that are credited to
60 9 the early childhood program grant account but are not
60 10 distributed to a community empowerment area or otherwise
60 11 remain unobligated or unexpended at the end of the fiscal year
60 12 shall revert to the fund created in section 8.41 to be
60 13 available for appropriation by the general assembly in a
60 14 subsequent fiscal year.

60 15 Sec. 57. NEW SECTION. 35D.18 NET GENERAL FUND
60 16 APPROPRIATION == PURPOSE.

60 17 1. The Iowa veterans home shall operate on the basis of a
60 18 net appropriation from the general fund of the state. The
60 19 appropriation amount shall be the net amount of state moneys
60 20 projected to be needed for the Iowa veterans home for the
60 21 fiscal year of the appropriation. The purpose of utilizing a
60 22 net appropriation is to encourage the Iowa veterans home to
60 23 operate with increased self-sufficiency, to improve quality
60 24 and efficiency, and to support collaborative efforts among all
60 25 providers of funding for the services available from the Iowa
60 26 veterans home.

60 27 2. The net appropriation made to the Iowa veterans home
60 28 may be used throughout the fiscal year in the manner necessary
60 29 for purposes of cash flow management, and for cash flow
60 30 management, the Iowa veterans home may temporarily draw more
60 31 than the amount appropriated, provided the amount appropriated
60 32 is not exceeded at the close of the fiscal year.

60 33 3. Revenues received that are attributed to the Iowa
60 34 veterans home during a fiscal year shall be credited to the
60 35 Iowa veterans home account and shall be considered repayment

61 1 receipts as defined in section 8.2, including but not limited
61 2 to all of the following:
61 3 a. Federal veterans administration payments.
61 4 b. Medical assistance program revenue received under
61 5 chapter 249A.
61 6 c. Federal Medicare program payments.
61 7 d. Other revenues generated from current, new, or expanded
61 8 services that the Iowa veterans home is authorized to provide.
61 9 4. For purposes of allocating moneys to the Iowa veterans
61 10 home from the salary adjustment fund created in section 8.43,
61 11 the Iowa veterans home shall be considered to be funded
61 12 entirely with state moneys.
61 13 5. Notwithstanding section 8.33, up to five hundred
61 14 thousand dollars of the Iowa veterans home revenue that remain
61 15 unencumbered or unobligated at the close of the fiscal year
61 16 shall not revert but shall remain available for expenditure
61 17 for purposes of the Iowa veterans home until the close of the
61 18 succeeding fiscal year.
61 19 Sec. 58. Section 84A.6, subsection 2, Code 2005, is
61 20 amended to read as follows:
61 21 2. a. The director of the department of workforce
61 22 development, in cooperation with the department of human
61 23 services, shall provide job placement and training to persons
61 24 referred by the department of human services under the
61 25 promoting independence and self-sufficiency through employment
61 26 job opportunities and basic skills program established
61 27 pursuant to chapter 239B and the food stamp employment and
61 28 training program.
61 29 b. The department of workforce development, in
61 30 consultation with the department of human services, shall
61 31 develop and implement departmental recruitment and employment
61 32 practices that address the needs of former and current
61 33 participants in the family investment program under chapter
61 34 239B.
61 35 Sec. 59. Section 125.2, Code 2005, is amended by adding
62 1 the following new subsection:
62 2 NEW SUBSECTION. 1. "Board" means the state board of
62 3 health created pursuant to chapter 136.
62 4 Sec. 60. Section 125.2, subsection 6, Code 2005, is
62 5 amended by striking the subsection.
62 6 Sec. 61. Section 125.3, Code 2005, is amended to read as
62 7 follows:
62 8 125.3 SUBSTANCE ABUSE PROGRAM ~~AND COMMISSION~~ ESTABLISHED.
62 9 The Iowa department of public health shall ~~include a~~
62 10 ~~program which shall develop, implement, and administer a~~
62 11 ~~comprehensive substance abuse program pursuant to sections~~
62 12 ~~125.1 to 125.43. A commission on substance abuse is created~~
62 13 ~~to establish certain policies governing the performance of the~~
62 14 ~~department in the discharge of duties imposed on it by this~~
62 15 ~~chapter and advise the department on other policies. The~~
62 16 ~~commission shall consist of nine members appointed by the~~
62 17 ~~governor. Appointments shall be made on the basis of interest~~
62 18 ~~in and knowledge of substance abuse, however two of the~~
62 19 ~~members shall be persons who, in their regular work, have~~
62 20 ~~direct contact with substance abuse clients. Only eligible~~
62 21 ~~electors of the state of Iowa shall be appointed.~~
62 22 Sec. 62. Section 125.7, Code 2005, is amended to read as
62 23 follows:
62 24 125.7 DUTIES OF THE ~~COMMISSION~~ BOARD.
62 25 The ~~commission~~ board shall:
62 26 1. Approve the comprehensive substance abuse program,
62 27 developed by the department pursuant to sections 125.1 to
62 28 125.43.
62 29 2. Advise the department on policies governing the
62 30 performance of the department in the discharge of any duties
62 31 imposed on ~~it~~ the department by law.
62 32 3. Advise or make recommendations to the governor and the
62 33 general assembly relative to substance abuse treatment,
62 34 intervention, ~~and~~ education, and prevention programs in this
62 35 state.
63 1 4. ~~Promulgate~~ Adopt rules for subsections 1 and 6 and
63 2 review other rules necessary to carry out the provisions of
63 3 this chapter, subject to review in accordance with chapter
63 4 17A.
63 5 5. Investigate the work of the department relating to
63 6 substance abuse, and for this purpose ~~it~~ the board shall have
63 7 access at any time to all books, papers, documents, and
63 8 records of the department.
63 9 6. Consider and approve or disapprove all applications for
63 10 a license and all cases involving the renewal, denial,
63 11 suspension, or revocation of a license.

63 12 7. Act as the appeal board regarding funding decisions
63 13 made by the department.
63 14 Sec. 63. Section 125.9, subsection 1, Code 2005, is
63 15 amended to read as follows:
63 16 1. Plan, establish and maintain treatment, intervention,
63 17 ~~and~~ education, and prevention programs as necessary or
63 18 desirable in accordance with the comprehensive substance abuse
63 19 program.
63 20 Sec. 64. Section 125.10, subsections 1 and 11, Code 2005,
63 21 are amended to read as follows:
63 22 1. Prepare and submit a state plan subject to approval by
63 23 the ~~commission board~~ and in accordance with the provisions of
63 24 42 U.S.C. sec. 4573. The state plan shall designate the
63 25 department as the sole agency for supervising the
63 26 administration of the plan.
63 27 11. Develop and implement, with the counsel and approval
63 28 of the ~~commission board~~, ~~a~~ the comprehensive plan for
63 29 treatment of substance abusers, chronic substance abusers, and
63 30 intoxicated persons in accordance with this chapter.
63 31 Sec. 65. Section 125.12, subsection 1, Code 2005, is
63 32 amended to read as follows:
63 33 1. The ~~commission board~~ shall review ~~a~~ the comprehensive
63 34 ~~and co-ordinated substance abuse program implemented by the~~
63 35 ~~department~~ for the treatment of substance abusers, chronic
64 1 substance abusers, intoxicated persons, and concerned family
64 2 members. Subject to the review of the ~~commission board~~, the
64 3 director shall divide the state into appropriate regions for
64 4 the conduct of the program and establish standards for the
64 5 development of the program on the regional level. In
64 6 establishing the regions, consideration shall be given to city
64 7 and county lines, population concentrations, and existing
64 8 substance abuse treatment services. ~~In determining the~~
64 9 ~~regions, the director is not required to follow the regional~~
64 10 ~~map as prepared by the former office for planning and~~
64 11 ~~programming.~~
64 12 Sec. 66. Section 125.13, subsection 2, paragraphs a, b, i,
64 13 and j, Code 2005, are amended to read as follows:
64 14 a. A hospital providing care or treatment to substance
64 15 abusers or chronic substance abusers licensed under chapter
64 16 135B which is accredited by the joint commission on the
64 17 accreditation of health care organizations, the commission on
64 18 accreditation of rehabilitation facilities, the American
64 19 osteopathic association, or another recognized organization
64 20 approved by the ~~commission board~~. All survey reports from the
64 21 accrediting or licensing body must be sent to the department.
64 22 b. Any practitioner of medicine and surgery or osteopathic
64 23 medicine and surgery, in the practitioner's private practice.
64 24 However, a program shall not be exempted from licensing by the
64 25 ~~commission board~~ by virtue of its utilization of the services
64 26 of a medical practitioner in its operation.
64 27 i. A substance abuse treatment program not funded by the
64 28 department which is accredited or licensed by the joint
64 29 commission on the accreditation of health care organizations,
64 30 the commission on the accreditation of rehabilitation
64 31 facilities, the American osteopathic association, or another
64 32 recognized organization approved by the ~~commission board~~. All
64 33 survey reports from the accrediting or licensing body must be
64 34 sent to the department.
64 35 j. A hospital substance abuse treatment program that is
65 1 accredited or licensed by the joint commission on the
65 2 accreditation of health care organizations, the commission on
65 3 the accreditation of rehabilitation facilities, the American
65 4 osteopathic association, or another recognized organization
65 5 approved by the ~~commission board~~. All survey reports for the
65 6 hospital substance abuse treatment program from the
65 7 accrediting or licensing body shall be sent to the department.
65 8 Sec. 67. Section 125.14, Code 2005, is amended to read as
65 9 follows:
65 10 125.14 LICENSES == RENEWAL == FEES.
65 11 The ~~commission board~~ shall ~~meet to~~ consider all cases
65 12 involving initial issuance, and renewal, denial, suspension,
65 13 or revocation of a license. The department shall issue a
65 14 license to an applicant whom the ~~commission board~~ determines
65 15 meets the licensing requirements of this chapter. Licenses
65 16 shall expire no later than three years from the date of
65 17 issuance and shall be renewed upon timely application made in
65 18 the same manner as for initial issuance of a license unless
65 19 notice of nonrenewal is given to the licensee at least thirty
65 20 days prior to the expiration of the license. The department
65 21 shall not charge a fee for licensing or renewal of programs
65 22 contracting with the department for provision of treatment

65 23 services. A fee may be charged to other licensees.
65 24 Sec. 68. Section 125.15A, subsection 1, paragraph b, Code
65 25 2005, is amended to read as follows:
65 26 b. The ~~commission board~~ has suspended, revoked, or refused
65 27 to renew the existing license of the program.
65 28 Sec. 69. Section 125.16, Code 2005, is amended to read as
65 29 follows:
65 30 125.16 TRANSFER OF LICENSE OR CHANGE OF LOCATION
65 31 PROHIBITED.
65 32 A license issued under this chapter may not be transferred,
65 33 and the location of the physical facilities occupied or
65 34 utilized by any program licensed under this chapter shall not
65 35 be changed without the prior written consent of the ~~commission~~
66 1 ~~board~~.
66 2 Sec. 70. Section 125.17, Code 2005, is amended to read as
66 3 follows:
66 4 125.17 LICENSE SUSPENSION OR REVOCATION.
66 5 Violation of any of the requirements or restrictions of
66 6 this chapter or of any of the rules ~~properly established~~
66 7 ~~adopted~~ pursuant to this chapter is cause for suspension,
66 8 revocation, or refusal to renew a license. The director shall
66 9 at the earliest time feasible notify a licensee whose license
66 10 the ~~commission board~~ is considering suspending or revoking and
66 11 shall inform the licensee what changes must be made in the
66 12 licensee's operation to avoid such action. The licensee shall
66 13 be given a reasonable time for compliance, as determined by
66 14 the director, after receiving such notice or a notice that the
66 15 ~~commission board~~ does not intend to renew the license. When
66 16 the licensee believes compliance has been achieved, or if the
66 17 licensee considers the proposed suspension, revocation, or
66 18 refusal to renew unjustified, the licensee may submit
66 19 pertinent information to the ~~commission who board and the~~
66 20 ~~board~~ shall expeditiously make a decision in the matter and
66 21 notify the licensee of the decision.
66 22 Sec. 71. Section 125.18, Code 2005, is amended to read as
66 23 follows:
66 24 125.18 HEARING BEFORE ~~COMMISSION BOARD~~.
66 25 If a licensee under this chapter makes a written request
66 26 for a hearing within thirty days of suspension, revocation, or
66 27 refusal to renew a license, a hearing before the ~~commission~~
66 28 ~~board~~ shall be expeditiously arranged by the department of
66 29 inspections and appeals whose decision is subject to review by
66 30 the ~~commission board~~. ~~If the role of a commission member is~~
66 31 ~~inconsistent with the member's job role or function, or if any~~
66 32 ~~commission member feels unable for any reason to~~
66 33 ~~disinterestedly weigh the merits of the case before the~~
66 34 ~~commission, the member shall not participate in the hearing~~
66 35 ~~and shall not be entitled to vote on the case.~~ The ~~commission~~
67 1 ~~board~~ shall issue a written statement of ~~it's the board's~~
67 2 findings within thirty days after conclusion of the hearing
67 3 upholding or reversing the proposed suspension, revocation, or
67 4 refusal to renew a license. Action involving suspension,
67 5 revocation or refusal to renew a license shall not be taken by
67 6 the ~~commission board~~ unless a quorum is present at the
67 7 meeting. A copy of the ~~board's~~ decision shall be promptly
67 8 transmitted to the affected licensee who may, if aggrieved by
67 9 the decision, seek judicial review of the actions of the
67 10 ~~commission board~~ in accordance with the terms of chapter 17A.
67 11 Sec. 72. Section 125.19, Code 2005, is amended to read as
67 12 follows:
67 13 125.19 REISSUANCE OR REINSTATEMENT.
67 14 After suspension, revocation, or refusal to renew a license
67 15 pursuant to this chapter, the affected licensee shall not have
67 16 the license reissued or reinstated within one year of the
67 17 effective date of the suspension, revocation, or expiration
67 18 upon refusal to renew, unless ~~by order of the commission board~~
67 19 ~~orders otherwise~~. After that time, proof of compliance with
67 20 the requirements and restrictions of this chapter and the
67 21 rules ~~established~~ ~~adopted~~ pursuant to this chapter must be
67 22 presented to the ~~commission board~~ prior to reinstatement or
67 23 reissuance of a license.
67 24 Sec. 73. Section 125.21, Code 2005, is amended to read as
67 25 follows:
67 26 125.21 CHEMICAL SUBSTITUTES AND ANTAGONISTS PROGRAMS.
67 27 1. The ~~commission board~~ has exclusive power in this state
67 28 to approve and license chemical substitutes and antagonists
67 29 programs, and to monitor chemical substitutes and antagonists
67 30 programs to ensure that the programs are operating within the
67 31 rules ~~established~~ ~~adopted~~ pursuant to this chapter. The
67 32 ~~commission board~~ shall grant approval and license if the
67 33 requirements of the rules are met and ~~no~~ state funding is not

67 34 requested. ~~This section requires approval of The chemical~~
67 35 ~~substitutes and antagonists programs conducted by persons~~
68 1 ~~exempt from the licensing requirements of this chapter by~~
68 2 ~~pursuant to section 125.13, subsection 2, are subject to~~
68 3 ~~approval and licensure under this section.~~

68 4 2. The department may do any of the following:
68 5 1- a. Provide advice, consultation, and technical
68 6 assistance to chemical substitutes and antagonists programs.
68 7 2- b. ~~In its discretion, approve~~ Approve local agencies
68 8 or bodies to assist ~~it the department~~ in carrying out the
68 9 provisions of this chapter.

68 10 Sec. 74. Section 125.43A, Code 2005, is amended to read as
68 11 follows:

68 12 125.43A PRESCREENING == EXCEPTION.

68 13 Except in cases of medical emergency or court ordered
68 14 admissions, a person shall be admitted to a state mental
68 15 health institute for substance abuse treatment only after a
68 16 preliminary intake and assessment by a department=licensed
68 17 treatment facility or a hospital providing care or treatment
68 18 for substance abusers licensed under chapter 135B and
68 19 accredited by the joint commission on the accreditation of
68 20 health care organizations, the commission on accreditation of
68 21 rehabilitation facilities, the American osteopathic
68 22 association, or another recognized organization approved by
68 23 the ~~commission board~~, or by a designee of a department=
68 24 licensed treatment facility or a hospital other than a state
68 25 mental health institute, which confirms that the admission is
68 26 appropriate to the person's substance abuse service needs. A
68 27 county board of supervisors may seek an admission of a patient
68 28 to a state mental health institute who has not been confirmed
68 29 for appropriate admission and the county shall be responsible
68 30 for one hundred percent of the cost of treatment and services
68 31 of the patient.

68 32 Sec. 75. Section 125.58, subsection 1, Code 2005, is
68 33 amended to read as follows:

68 34 1. If the department has probable cause to believe that an
68 35 institution, place, building, or agency not licensed as a
69 1 substance abuse treatment and rehabilitation facility is in
69 2 fact a substance abuse treatment and rehabilitation facility
69 3 as defined by this chapter, and is not exempt from licensing
69 4 by section 125.13, subsection 2, the ~~commission board~~ may
69 5 order an inspection of the institution, place, building, or
69 6 agency. If the inspector upon presenting proper
69 7 identification is denied entry for the purpose of making the
69 8 inspection, the inspector may, with the assistance of the
69 9 county attorney of the county in which the premises are
69 10 located, apply to the district court for an order requiring
69 11 the owner or occupant to permit entry and inspection of the
69 12 premises to determine whether there have been violations of
69 13 this chapter. The investigation may include review of
69 14 records, reports, and documents maintained by the facility and
69 15 interviews with staff members consistent with the
69 16 confidentiality safeguards of state and federal law.

69 17 Sec. 76. NEW SECTION. 135.39C ELDERLY WELLNESS SERVICES
69 18 == PAYOR OF LAST RESORT.

69 19 The department shall implement elderly wellness services in
69 20 a manner that ensures that the services provided are not
69 21 payable by a third-party source.

69 22 Sec. 77. Section 135.150, subsection 2, Code 2005, is
69 23 amended to read as follows:

69 24 2. a. Moneys appropriated to the department under this
69 25 section shall be for the purpose of operating a gambling
69 26 treatment program and shall be used for funding of
69 27 administrative costs and to provide programs which may
69 28 include, but are not limited to, outpatient and follow-up
69 29 treatment for persons affected by problem gambling,
69 30 rehabilitation and residential treatment programs, information
69 31 and referral services, crisis call access, education and
69 32 preventive services, and financial management and credit
69 33 counseling services.

69 34 b. A person shall not maintain or conduct a gambling
69 35 treatment program funded under this section unless the person
70 1 has obtained a license for the program from the department.
70 2 The department shall adopt rules to establish standards for
70 3 the licensing and operation of gambling treatment programs
70 4 under this section. The rules shall specify, but are not
70 5 limited to specifying, the qualifications for persons
70 6 providing gambling treatment services, standards for the
70 7 organization and administration of gambling treatment
70 8 programs, and a mechanism to monitor compliance with this
70 9 section and the rules adopted under this section.

70 10 Sec. 78. Section 136.1, unnumbered paragraph 1, Code 2005,
70 11 is amended to read as follows:

70 12 The state board of health shall consist of the following
70 13 members: Five members learned in health-related disciplines,
70 14 two members who have direct experience with substance abuse
70 15 treatment or prevention, and four members representing the
70 16 general public.

70 17 Sec. 79. Section 136.3, subsection 7, Code 2005, is
70 18 amended to read as follows:

70 19 7. Adopt, promulgate, amend, and repeal rules and
70 20 regulations consistent with law for the protection of the
70 21 public health and prevention of substance abuse, and for the
70 22 guidance of the department. All rules ~~which have been or are~~
70 23 ~~hereafter~~ adopted by the department ~~shall be~~ are subject to
70 24 approval by the board. ~~However, rules adopted by the~~
70 25 ~~commission on substance abuse for section 125.7, subsections 1~~
70 26 ~~and 7, and rules adopted by the department pursuant to section~~
70 27 ~~135.130 are not subject to approval by the state board of~~
70 28 ~~health.~~

70 29 Sec. 80. Section 136.3, Code 2005, is amended by adding
70 30 the following new subsection:

70 31 NEW SUBSECTION. 10. Perform those duties authorized
70 32 pursuant to chapter 125.

70 33 Sec. 81. Section 136C.10, subsection 1, Code 2005, is
70 34 amended to read as follows:

70 35 1. a. The department shall establish and collect fees for
71 1 the licensing and amendment of licenses for radioactive
71 2 materials, the registration of radiation machines, the
71 3 periodic inspection of radiation machines and radioactive
71 4 materials, and the implementation of section 136C.3,
71 5 subsection 2. Fees shall be in amounts sufficient to defray
71 6 the cost of administering this chapter. The license fee may
71 7 include the cost of environmental surveillance activities to
71 8 assess the radiological impact of activities conducted by
71 9 licensees.

71 10 b. Fees collected shall be remitted to the treasurer of
71 11 state who shall deposit the funds in the general fund of the
71 12 state. ~~However, the fees collected from the licensing,~~
71 13 registration, authorization, accreditation, and inspection of
71 14 radiation machines used for mammographically guided breast
71 15 biopsy, screening, and diagnostic mammography shall be used to
71 16 support the department's administration of this chapter and
71 17 the fees collected shall be considered repayment receipts, as
71 18 defined in section 8.2.

71 19 c. When a registrant or licensee fails to pay the
71 20 applicable fee the department may suspend or revoke the
71 21 registration or license or may issue an appropriate order.
71 22 Fees for the license, amendment of a license, and inspection
71 23 of radioactive material shall not exceed the fees prescribed
71 24 by the United States nuclear regulatory commission.

71 25 Sec. 82. Section 144.13A, subsection 4, paragraph a,
71 26 unnumbered paragraph 2, Code 2005, is amended to read as
71 27 follows:

71 28 ~~Beginning July 1, 2005, ten~~ Ten dollars of each
71 29 registration fee is appropriated and shall be used for primary
71 30 and secondary child abuse prevention programs pursuant to
71 31 section 235A.1, and ten dollars of each registration fee is
71 32 appropriated and shall be used for the center for congenital
71 33 and inherited disorders central registry established pursuant
71 34 to section 136A.6. Notwithstanding section 8.33, moneys
71 35 appropriated in this unnumbered paragraph that remain
72 1 unencumbered or unobligated at the close of the fiscal year
72 2 shall not revert but shall remain available for expenditure
72 3 for the purposes designated until the close of the succeeding
72 4 fiscal year.

72 5 Sec. 83. NEW SECTION. 144.46A VITAL RECORDS FUND.

72 6 1. A vital records fund is created under the control of
72 7 the department. Moneys in the fund shall be used for purposes
72 8 of the purchase and maintenance of an electronic system for
72 9 vital records scanning, data capture, data reporting, storage,
72 10 and retrieval, and for all registration and issuance
72 11 activities. Moneys in the fund may also be used for other
72 12 related purposes including but not limited to the streamlining
72 13 of administrative procedures and electronically linking
72 14 offices of county registrars to state vital records so that
72 15 the records may be issued at the county level.

72 16 2. The department shall adopt rules providing for an
72 17 increase in the fees charged by the state registrar for vital
72 18 records services under section 144.46 in an amount necessary
72 19 to pay for the purposes designated in subsection 1.

72 20 3. Increased fees collected by the state registrar

72 21 pursuant to this section shall be credited to the vital
72 22 records fund. Moneys credited to the fund are appropriated to
72 23 the department to be used for the purposes designated in
72 24 subsection 1. Notwithstanding section 8.33, moneys credited
72 25 to the fund that remain unencumbered or unobligated at the
72 26 close of the fiscal year shall not revert to any fund but
72 27 shall remain available for expenditure for the purposes
72 28 designated.

72 29 Sec. 84. NEW SECTION. 147.28A SCOPE OF PRACTICE REVIEW
72 30 COMMITTEES == FUTURE REPEAL.

72 31 1. The department shall utilize scope of practice review
72 32 committees to evaluate and make recommendations to the general
72 33 assembly and to the appropriate examining boards regarding all
72 34 of the following issues:

72 35 a. Requests from practitioners seeking to become newly
73 1 licensed health professionals or to establish their own
73 2 examining boards.

73 3 b. Requests from health professionals seeking to expand or
73 4 narrow the scope of practice of a health profession.

73 5 c. Unresolved administrative rulemaking disputes between
73 6 examining boards.

73 7 2. A scope of practice review committee established under
73 8 this section shall evaluate the issues specified in subsection
73 9 1 and make recommendations regarding proposed changes to the
73 10 general assembly based on the following standards and
73 11 guidelines:

73 12 a. The proposed change does not pose a significant new
73 13 danger to the public.

73 14 b. Enacting the proposed change will benefit the health,
73 15 safety, or welfare of the public.

73 16 c. The public cannot be effectively protected by other
73 17 more cost-effective means.

73 18 3. A scope of practice review committee shall be limited
73 19 to five members as follows:

73 20 a. One member representing the profession seeking
73 21 licensure, a new examining board, or a change in scope of
73 22 practice.

73 23 b. One member of the health profession directly impacted
73 24 by, or opposed to, the proposed change.

73 25 c. One impartial health professional who is not directly
73 26 or indirectly affected by the proposed change.

73 27 d. Two impartial members of the general public.

73 28 4. The department may contract with a school or college of
73 29 public health to assist in implementing this section.

73 30 5. The department shall submit an annual progress report
73 31 to the governor and the general assembly by January 15 and
73 32 shall include any recommendations for legislative action as a
73 33 result of review committee activities.

73 34 6. The department shall adopt rules in accordance with
73 35 chapter 17A to implement this section.

74 1 7. This section is repealed July 1, 2007.

74 2 Sec. 85. Section 147.80, Code 2005, is amended by adding
74 3 the following new unnumbered paragraph:

74 4 NEW UNNUMBERED PARAGRAPH. The board of medical examiners,
74 5 the board of pharmacy examiners, the board of dental
74 6 examiners, and the board of nursing shall retain individual
74 7 executive officers, but shall make every effort to share
74 8 administrative, clerical, and investigative staffs to the
74 9 greatest extent possible. The department shall annually
74 10 submit a status report to the general assembly in December
74 11 regarding the sharing of staff during the previous fiscal
74 12 year.

74 13 Sec. 86. Section 147.82, Code 2005, is amended to read as
74 14 follows:

74 15 147.82 FEES.

74 16 ~~All Notwithstanding section 12.10, all fees shall be~~
74 17 ~~collected under this chapter by an examining board or the~~
74 18 ~~department and shall be paid to the treasurer of state and~~
74 19 ~~deposited in credited to the general fund of the state, except~~
74 20 ~~as provided in sections 147.94 and 147.102. for the following:~~

74 21 1. The department may retain and expend or encumber a
74 22 portion of fees collected under this chapter for an examining
74 23 board if the expenditure or encumbrance is directly the result
74 24 of an unanticipated litigation expense or an expense
74 25 associated with a scope of practice review committee created
74 26 pursuant to section 147.28A. Before the department retains,
74 27 expends, or encumbers funds for an unanticipated litigation
74 28 expense or a scope of practice review committee, the director
74 29 of the department of management shall approve the expenditure
74 30 or encumbrance. The amount of fees retained pursuant to this
74 31 subsection shall not exceed five percent of the average annual

74 32 fees generated by the affected examining board for the two
74 33 previous fiscal years. The amount of fees retained shall be
74 34 considered repayment receipts as defined in section 8.2.
74 35 2. The department may annually retain and expend not more
75 1 than two hundred ninety-seven thousand nine hundred sixty-one
75 2 dollars for lease and maintenance expenses from fees collected
75 3 pursuant to section 147.80 by the board of dental examiners,
75 4 the board of pharmacy examiners, the board of medical
75 5 examiners, and the board of nursing. Fees retained by the
75 6 department pursuant to this subsection shall be considered
75 7 repayment receipts as defined in section 8.2.
75 8 3. The department may annually retain and expend not more
75 9 than one hundred thousand dollars for reduction of the number
75 10 of days necessary to process medical license requests and for
75 11 reduction of the number of days needed for consideration of
75 12 malpractice cases from fees collected pursuant to section
75 13 147.80 by the board of medical examiners in the fiscal year
75 14 beginning July 1, 2005, and ending June 30, 2006. Fees
75 15 retained by the department pursuant to this subsection shall
75 16 be considered repayment receipts as defined in section 8.2 and
75 17 shall be used for the purposes described in this subsection.
75 18 4. The board of dental examiners may annually retain and
75 19 expend not more than one hundred forty-eight thousand sixty
75 20 dollars from revenues generated pursuant to section 147.80.
75 21 Fees retained by the board pursuant to this subsection shall
75 22 be considered repayment receipts as defined in section 8.2 and
75 23 shall be used for the purposes of regulating dental
75 24 assistants.
75 25 5. The board of nursing may annually retain and expend
75 26 ninety percent of the revenues generated from an increase in
75 27 license and renewal fees established pursuant to section
75 28 147.80 for the practice of nursing, above the license and
75 29 renewal fees in effect as of July 1, 2003. The moneys
75 30 retained shall be used for any of the board's duties,
75 31 including but not limited to the addition of full-time
75 32 equivalent positions for program services and investigations.
75 33 Revenues retained by the board pursuant to this subsection
75 34 shall be considered repayment receipts as defined in section
75 35 8.2, and shall be used for the purposes described in this
76 1 subsection.
76 2 6. The board of pharmacy examiners may annually retain and
76 3 expend ninety percent of the revenues generated from an
76 4 increase in license and renewal fees established pursuant to
76 5 sections 124.301 and 147.80, and chapter 155A, for the
76 6 practice of pharmacy, above the license and renewal fees in
76 7 effect as of July 1, 2004. The moneys retained shall be used
76 8 for any of the board's duties, including but not limited to
76 9 the addition of full-time equivalent positions for program
76 10 services and investigations. Revenues retained by the board
76 11 pursuant to this subsection shall be considered repayment
76 12 receipts as defined in section 8.2, and shall be used for the
76 13 purposes described in this subsection.
76 14 7. In addition to the amounts authorized in subsections 1
76 15 through 6, the examining boards listed in section 147.80 may
76 16 retain and expend ninety percent of the revenue generated from
76 17 an increase in license and renewal fees established pursuant
76 18 to section 147.80 for the practice of the licensed profession
76 19 for which an examining board conducts examinations above the
76 20 license and renewal fees in effect as of June 30, 2005. The
76 21 moneys retained by an examining board shall be used for any of
76 22 the board's duties, including but not limited to addition of
76 23 full-time equivalent positions for program services and
76 24 investigations. Revenues retained by an examining board
76 25 pursuant to this subsection shall be considered repayment
76 26 receipts as defined in section 8.2.

76 27 Sec. 87. Section 147.94, Code 2005, is amended to read as
76 28 follows:

76 29 147.94 PHARMACISTS.

76 30 The provisions of this chapter relative to the making of
76 31 application for a license, the issuance of a license, the
76 32 negotiation of reciprocal agreements for recognition of
76 33 foreign licenses, ~~the collection of license and renewal fees,~~
76 34 and the preservation of records shall not apply to the
76 35 licensing of persons to practice pharmacy, but such licensing
77 1 shall be governed by the following regulations:

77 2 1. Every application for a license to practice pharmacy
77 3 shall be made ~~direct~~ to the secretary of the board of pharmacy
77 4 examiners.

77 5 2. ~~Such~~ A license and all renewals ~~thereof~~ of a license
77 6 shall be issued by ~~said~~ the board of pharmacy examiners.

77 7 3. Every reciprocal agreement for the recognition of any

77 8 ~~such~~ license issued in another state shall be negotiated by
77 9 ~~said the board of pharmacy~~ examiners.

77 10 ~~4. All license and renewal fees exacted from persons~~
77 11 ~~licensed to practice pharmacy shall be paid to and collected~~
77 12 ~~by the secretary of the pharmacy examiners.~~

77 13 ~~5- 4. All records in connection with the licensing of~~
77 14 ~~pharmacists shall be kept by said the secretary of the board~~
77 15 ~~of pharmacy examiners.~~

77 16 Sec. 88. Section 147.102, Code 2005, is amended to read as
77 17 follows:

77 18 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

77 19 Notwithstanding the provisions of this subtitle, every
77 20 application for a license to practice psychology,
77 21 chiropractic, or dentistry shall be made directly to the
77 22 chairperson, executive director, or secretary of the examining
77 23 board of such profession, and every reciprocal agreement for
77 24 the recognition of any such license issued in another state
77 25 shall be negotiated by the examining board for such
77 26 profession. All examination, license, and renewal fees
77 27 received from persons licensed to practice any of such
77 28 professions shall be paid to and collected by the chairperson,
77 29 executive director, or secretary of the examining board of
77 30 such profession, ~~who shall transmit the fees to the treasurer~~
77 31 ~~of state for deposit into the general fund of the state.~~ The
77 32 salary of the secretary shall be established by the governor
77 33 with the approval of the executive council pursuant to section
77 34 8A.413, subsection 2, under the pay plan for exempt positions
77 35 in the executive branch of government.

78 1 Sec. 89. Section 154A.22, Code 2005, is amended to read as
78 2 follows:

78 3 154A.22 ~~DEPOSIT~~ RECEIPT OF FEES.

78 4 ~~1. The~~ Except as otherwise provided in subsection 2, the
78 5 department shall deposit all fees collected under the
78 6 provisions of this chapter in the general fund of the state.
78 7 Compensation and travel expenses of members and employees of
78 8 the board, and other expenses necessary for the board to
78 9 administer and carry out the provisions of this chapter shall
78 10 be paid from funds appropriated from the general fund of the
78 11 state.

78 12 ~~2. The department may retain ninety percent of the revenue~~
78 13 ~~generated from an increase in licensure and permit fees~~
78 14 ~~established pursuant to section 154A.17 above the licensure~~
78 15 ~~and permit fees in effect as of June 30, 2005. The moneys~~
78 16 ~~retained by the department shall be used for any of the~~
78 17 ~~board's duties, including but not limited to addition of full=~~
78 18 ~~time equivalent positions for program services and~~
78 19 ~~investigations. Revenues retained by the department pursuant~~
78 20 ~~to this subsection shall be considered repayment receipts as~~
78 21 ~~defined in section 8.2.~~

78 22 Sec. 90. Section 155.6, Code 2005, is amended to read as
78 23 follows:

78 24 155.6 ~~FUND CREATED~~ RECEIPT OF FEES.

78 25 ~~1. All~~ Except as otherwise provided in subsection 2, all
78 26 fees collected under the provisions of this chapter shall be
78 27 paid to the treasurer of state who shall deposit the fees in
78 28 the general fund of the state. Funds shall be appropriated to
78 29 the board to be used and expended by the board to pay the
78 30 compensation and travel expenses of members and employees of
78 31 the board, and other expenses necessary for the board to
78 32 administer and carry out the provisions of this chapter.

78 33 ~~2. The board may retain ninety percent of the revenue~~
78 34 ~~generated from an increase in examination, licensure, and~~
78 35 ~~renewal of licensure fees established pursuant to section~~
79 1 ~~155.15 above the examination, licensure, and renewal of~~
79 2 ~~licensure fees in effect as of June 30, 2005. The moneys~~
79 3 ~~retained by the board shall be used for any of the board's~~
79 4 ~~duties, including but not limited to addition of full-time~~
79 5 ~~equivalent positions for program services and investigations.~~
79 6 ~~Revenues retained by the department pursuant to this~~
79 7 ~~subsection shall be considered repayment receipts as defined~~
79 8 ~~in section 8.2.~~

79 9 Sec. 91. Section 217.13, subsection 1, Code 2005, is
79 10 amended to read as follows:

79 11 1. The department of human services shall establish
79 12 volunteer programs designed to enhance the services provided
79 13 by the department. Roles for volunteers may include but shall
79 14 not be limited to parent aides, friendly visitors, commodity
79 15 distributors, clerical assistants, ~~and~~ medical transporters,
79 16 ~~and other functions to complement and supplement the~~
79 17 ~~department's work with clients.~~ Roles for volunteers shall
79 18 include conservators and guardians. The department shall

79 19 adopt rules for programs which are established.

79 20 Sec. 92. NEW SECTION. 217.35 FRAUD AND RECOUPMENT

79 21 ACTIVITIES.

79 22 Notwithstanding the requirement for deposit of recovered
79 23 moneys under section 239B.14, recovered moneys generated
79 24 through fraud and recoupment activities are appropriated to
79 25 the department of human services to be used for additional
79 26 fraud and recoupment activities performed by the department of
79 27 human services or the department of inspections and appeals.
79 28 The department of human services may use the recovered moneys
79 29 appropriated to add not more than five full-time equivalent
79 30 positions, in addition to those funded by annual
79 31 appropriations. The appropriation of the recovered moneys is
79 32 subject to both of the following conditions:

79 33 1. The director of human services determines that the
79 34 investment can reasonably be expected to increase recovery of
79 35 assistance paid in error, due to fraudulent or nonfraudulent
80 1 actions, in excess of the amount recovered in the previous
80 2 fiscal year.

80 3 2. The amount expended for the additional fraud and
80 4 recoupment activities shall not exceed the amount of the
80 5 projected increase in assistance recovered.

80 6 Sec. 93. NEW SECTION. 218.6 TRANSFER OF APPROPRIATIONS
80 7 MADE TO INSTITUTIONS.

80 8 Notwithstanding section 8.39, subsection 1, without the
80 9 prior written consent and approval of the governor and the
80 10 director of the department of management, the director of
80 11 human services may transfer funds between the appropriations
80 12 made for the same type of institution, listed as follows:

80 13 1. The state resource centers.

80 14 2. The state mental health institutes.

80 15 3. The state juvenile institutions consisting of the state
80 16 training school and the Iowa juvenile home.

80 17 Sec. 94. NEW SECTION. 222.92 NET GENERAL FUND

80 18 APPROPRIATION == STATE RESOURCE CENTERS.

80 19 1. The department shall operate the state resource centers
80 20 on the basis of net appropriations from the general fund of
80 21 the state. The appropriation amounts shall be the net amounts
80 22 of state moneys projected to be needed for the state resource
80 23 centers for the fiscal year of the appropriations. The
80 24 purpose of utilizing net appropriations is to encourage the
80 25 state resource centers to operate with increased self=
80 26 sufficiency, to improve quality and efficiency, and to support
80 27 collaborative efforts between the state resource centers and
80 28 counties and other providers of funding for the services
80 29 available from the state resource centers. The state resource
80 30 centers shall not be operated under the net appropriations in
80 31 a manner that results in a cost increase to the state or in
80 32 cost shifting between the state, the medical assistance
80 33 program, counties, or other sources of funding for the state
80 34 resource centers.

80 35 2. The net appropriation made for a state resource center
81 1 may be used throughout the fiscal year in the manner necessary
81 2 for purposes of cash flow management, and for purposes of cash
81 3 flow management, a state resource center may temporarily draw
81 4 more than the amount appropriated, provided the amount
81 5 appropriated is not exceeded at the close of the fiscal year.

81 6 3. Subject to the approval of the department, except for
81 7 revenues segregated as provided in section 249A.11, revenues
81 8 received that are attributed to a state resource center for a
81 9 fiscal year shall be credited to the state resource center's
81 10 account and shall be considered repayment receipts as defined
81 11 in section 8.2, including but not limited to all of the
81 12 following:

81 13 a. Moneys received by the state from billings to counties
81 14 under section 222.73.

81 15 b. The federal share of medical assistance program revenue
81 16 received under chapter 249A.

81 17 c. Federal Medicare program payments.

81 18 d. Moneys received from client financial participation.

81 19 e. Other revenues generated from current, new, or expanded
81 20 services that the state resource center is authorized to
81 21 provide.

81 22 4. For purposes of allocating moneys to the state resource
81 23 centers from the salary adjustment fund created in section
81 24 8.43, the state resource centers shall be considered to be
81 25 funded entirely with state moneys.

81 26 5. Notwithstanding section 8.33, up to five hundred
81 27 thousand dollars of a state resource center's revenue that
81 28 remains unencumbered or unobligated at the close of the fiscal
81 29 year shall not revert but shall remain available for

81 30 expenditure for purposes of the state resource center until
81 31 the close of the succeeding fiscal year.
81 32 Sec. 95. NEW SECTION. 226.9B NET GENERAL FUND
81 33 APPROPRIATION == PSYCHIATRIC MEDICAL INSTITUTION FOR CHILDREN.
81 34 1. The psychiatric medical institution for children beds
81 35 operated by the state at the state mental health institute at
82 1 Independence, as authorized in section 135H.6, shall operate
82 2 on the basis of a net appropriation from the general fund of
82 3 the state. The allocation made by the department from the
82 4 annual appropriation to the state mental health institute at
82 5 Independence for the purposes of the beds shall be the net
82 6 amount of state moneys projected to be needed for the beds for
82 7 the fiscal year of the appropriation.

82 8 2. Revenues received that are attributed to the
82 9 psychiatric medical institution for children beds during a
82 10 fiscal year shall be credited to the mental health institute's
82 11 account and shall be considered repayment receipts as defined
82 12 in section 8.2, including but not limited to all of the
82 13 following:

82 14 a. The federal share of medical assistance program revenue
82 15 received under chapter 249A.

82 16 b. Moneys received through client financial participation.

82 17 c. Other revenues directly attributable to the psychiatric
82 18 medical institution for children beds.

82 19 Sec. 96. NEW SECTION. 226.9C NET GENERAL FUND

82 20 APPROPRIATION == DUAL DIAGNOSIS PROGRAM.

82 21 1. The state mental health institute at Mount Pleasant
82 22 shall operate the dual diagnosis mental health and substance
82 23 abuse program on a net budgeting basis in which 50 percent of
82 24 the actual per diem and ancillary services costs are
82 25 chargeable to the patient's county of legal settlement or as a
82 26 state case, as appropriate. Subject to the approval of the
82 27 department, revenues attributable to the dual diagnosis
82 28 program for each fiscal year, shall be deposited in the mental
82 29 health institute's account and are appropriated to the
82 30 department for the dual diagnosis program, including but not
82 31 limited to all of the following revenues:

82 32 a. Moneys received by the state from billings to counties
82 33 under section 230.20.

82 34 b. Moneys received from billings to the Medicare program.

82 35 c. Moneys received from a managed care contractor
83 1 providing services under contract with the department or any
83 2 private third-party payor.

83 3 d. Moneys received through client participation.

83 4 e. Any other revenues directly attributable to the dual
83 5 diagnosis program.

83 6 2. The following additional provisions are applicable in
83 7 regard to the dual diagnosis program:

83 8 a. A county may split the charges between the county's
83 9 mental health, mental retardation, and developmental
83 10 disabilities services fund created pursuant to section
83 11 331.424A and the county's budget for substance abuse
83 12 expenditures.

83 13 b. If an individual is committed to the custody of the
83 14 department of corrections at the time the individual is
83 15 referred for dual diagnosis treatment, the department of
83 16 corrections shall be charged for the costs of treatment.

83 17 c. Prior to an individual's admission for dual diagnosis
83 18 treatment, the individual shall have been screened through a
83 19 county's central point of coordination process implemented
83 20 pursuant to section 331.440 to determine the appropriateness
83 21 of the treatment.

83 22 d. A county shall not be chargeable for the costs of
83 23 treatment for an individual enrolled in and authorized by or
83 24 decertified by a managed behavioral care plan under the
83 25 medical assistance program.

83 26 e. Notwithstanding section 8.33, state mental health
83 27 institute revenues related to the dual diagnosis program that
83 28 remain unencumbered or unobligated at the close of the fiscal
83 29 year shall not revert but shall remain available up to the
83 30 amount which would allow the state mental health institute to
83 31 meet credit obligations owed to counties as a result of year=
83 32 end per diem adjustments for the dual diagnosis program.

83 33 Sec. 97. Section 226.19, Code 2005, is amended to read as
83 34 follows:

83 35 226.19 DISCHARGE == CERTIFICATE.

84 1 1. All patients shall be discharged, by in accordance with
84 2 the procedure prescribed in section 229.3 or section 229.16,
84 3 whichever is applicable, immediately on regaining their the
84 4 patient's good mental health.

84 5 2. If a patient's care is the financial responsibility of

84 6 the state or a county, as part of the patient's discharge
84 7 planning the state mental health institute shall provide
84 8 assistance to the patient in obtaining eligibility for the
84 9 federal state supplemental security income program.

84 10 Sec. 98. Section 227.4, Code 2005, is amended to read as
84 11 follows:

84 12 227.4 STANDARDS FOR CARE OF PERSONS WITH MENTAL ILLNESS OR
84 13 ~~DEVELOPMENTAL DISABILITIES~~ MENTAL RETARDATION IN COUNTY CARE
84 14 FACILITIES.

84 15 The administrator, in cooperation with the department of
84 16 inspections and appeals, shall recommend and the mental
84 17 health, mental retardation, developmental disabilities, and
84 18 brain injury commission created in section 225C.5 shall adopt
84 19 standards for the care of and services to persons with mental
84 20 illness or ~~developmental disabilities~~ mental retardation
84 21 residing in county care facilities. The standards shall be
84 22 enforced by the department of inspections and appeals as a
84 23 part of the licensure inspection conducted pursuant to chapter
84 24 135C. The objective of the standards is to ensure that
84 25 persons with mental illness or ~~developmental disabilities~~
84 26 mental retardation who are residents of county care facilities
84 27 are not only adequately fed, clothed, and housed, but are also
84 28 offered reasonable opportunities for productive work and
84 29 recreational activities suited to their physical and mental
84 30 abilities and offering both a constructive outlet for their
84 31 energies and, if possible, therapeutic benefit. When
84 32 recommending standards under this section, the administrator
84 33 shall designate an advisory committee representing
84 34 administrators of county care facilities, county mental health
84 35 and developmental disabilities regional planning councils, and
85 1 county care facility resident advocate committees to assist in
85 2 the establishment of standards.

85 3 Sec. 99. Section 229A.12, Code 2005, is amended to read as
85 4 follows:

85 5 229A.12 DIRECTOR OF HUMAN SERVICES == RESPONSIBILITY FOR
85 6 COSTS == REIMBURSEMENT.

85 7 The director of human services shall be responsible for all
85 8 costs relating to the evaluation, treatment, and services
85 9 provided to a person that are incurred after the person is
85 10 committed to the director's custody after the court or jury
85 11 determines that the respondent is a sexually violent predator
85 12 and pursuant to commitment under any provision of this
85 13 chapter. If placement in a transitional release program or
85 14 supervision is ordered, the director shall also be responsible
85 15 for all costs related to the transitional release program or
85 16 to the supervision and treatment of any person. Reimbursement
85 17 may be obtained by the director from the patient and any
85 18 person legally liable or bound by contract for the support of
85 19 the patient for the cost of confinement or of care and
85 20 treatment provided. To the extent allowed by the United
85 21 States social security administration, any benefit payments
85 22 received by the person pursuant to the federal Social Security
85 23 Act shall be used for the costs incurred. As used in this

85 24 section, "any person legally liable" does not include a
85 25 political subdivision.

85 26 Sec. 100. NEW SECTION. 231.34 LIMITATION OF FUNDS USED
85 27 FOR ADMINISTRATIVE PURPOSES.

85 28 Of the state funds appropriated or allocated to the
85 29 department for programs of the area agencies on aging, not
85 30 more than seven and one-half percent of the total amount shall
85 31 be used for area agencies on aging administrative purposes.

85 32 Sec. 101. NEW SECTION. 232.1A FOSTER CARE PLACEMENT ==
85 33 ANNUAL GOAL.

85 34 The annual state goal for children placed in foster care
85 35 that is funded under the federal Social Security Act, Title
86 1 IV=E, is that not more than fifteen percent of the children
86 2 will be in a foster care placement for a period of more than
86 3 twenty-four months.

86 4 Sec. 102. Section 233A.1, Code 2005, is amended by adding
86 5 the following new subsection:

86 6 NEW SUBSECTION. 3. The number of children present at any
86 7 one time at the state training school at Eldora shall not
86 8 exceed the population guidelines established under 1990 Iowa
86 9 Acts, chapter 1239, section 21, as adjusted for subsequent
86 10 changes in the capacity at the training school.

86 11 Sec. 103. Section 233B.1, Code 2005, is amended to read as
86 12 follows:

86 13 233B.1 DEFINITIONS == ~~OBJECTS~~ PURPOSE == POPULATION LIMIT.

86 14 1. For the purpose of this chapter, unless the context
86 15 otherwise requires:

86 16 1- a. "Administrator" or "director" means the director of

86 17 the department of human services.
86 18 ~~2. b.~~ "Home" means the Iowa juvenile home.
86 19 ~~3. c.~~ "Superintendent" means the superintendent of the
86 20 Iowa juvenile home.
86 21 2. The Iowa juvenile home shall be maintained for the
86 22 purpose of providing care, custody and education of ~~such the~~
86 23 children ~~as~~ are committed to the home. ~~Such The~~ children
86 24 shall be wards of the state. ~~Their The children's~~ education
86 25 shall embrace instruction in the common school branches and in
86 26 such other higher branches as may be practical and will enable
86 27 the children to gain useful and self-sustaining employment.
86 28 The administrator and the superintendent of the home shall
86 29 assist all discharged children in securing suitable homes and
86 30 proper employment.
86 31 3. The number of children present at any one time at the
86 32 Iowa juvenile home shall not exceed the population guidelines
86 33 established under 1990 Iowa Acts, chapter 1239, section 21, as
86 34 adjusted for subsequent changes in the capacity at the home.
86 35 Sec. 104. Section 234.12A, subsection 1, unnumbered
87 1 paragraph 1, Code 2005, is amended to read as follows:
87 2 The department of human services ~~may establish~~ shall
87 3 maintain an electronic benefits transfer program utilizing
87 4 electronic funds transfer systems. The program, ~~if~~
87 5 ~~established,~~ shall at a minimum provide for all of the
87 6 following:
87 7 Sec. 105. Section 237A.28, Code 2005, is amended to read
87 8 as follows:
87 9 237A.28 CHILD CARE CREDIT FUND.
87 10 A child care credit fund is created in the state treasury
87 11 under the authority of the department of human services. The
87 12 moneys in the fund shall consist of moneys deposited pursuant
87 13 to section 422.100 and ~~shall be used for child care services~~
87 14 ~~as annually are appropriated by the general assembly to the~~
87 15 ~~department to be used for the state child care assistance~~
87 16 ~~program in accordance with section 237A.13.~~
87 17 Sec. 106. Section 239B.4, Code 2005, is amended by adding
87 18 the following new subsections:
87 19 NEW SUBSECTION. 3A. The department shall continue to work
87 20 with the department of workforce development and local
87 21 community collaborative efforts to provide support services
87 22 for participants. The support services shall be directed to
87 23 those participant families who would benefit from the support
87 24 services and are likely to have success in achieving economic
87 25 independence.
87 26 NEW SUBSECTION. 3B. The department shall continue to work
87 27 with religious organizations and other charitable institutions
87 28 to increase the availability of host homes, referred to as
87 29 second chance homes, or other living arrangements under the
87 30 federal Personal Responsibility and Work Opportunity
87 31 Reconciliation Act of 1996, Pub. L. No. 104-193, } 103, and
87 32 any successor legislation. The purpose of the homes or
87 33 arrangements is to provide a supportive and supervised living
87 34 arrangement for minor parents receiving assistance who may
87 35 receive assistance while living in an alternative setting
88 1 other than with their parent or legal guardian.
88 2 Sec. 107. Section 239B.11, Code 2005, is amended to read
88 3 as follows:
88 4 239B.11 FAMILY INVESTMENT PROGRAM ACCOUNT == DIVERSION
88 5 PROGRAM SUBACCOUNT == DIVERSION PROGRAM.
88 6 1. An account is established in the state treasury to be
88 7 known as the family investment program account under control
88 8 of the department to which shall be credited all funds
88 9 appropriated by the state for the payment of assistance and
88 10 JOBS program expenditures. All other moneys received at any
88 11 time for these purposes, including child support revenues,
88 12 shall be deposited into the account as provided by law. All
88 13 assistance and JOBS program expenditures under this chapter
88 14 shall be paid from the account.
88 15 2. a. A diversion program subaccount is created within
88 16 the family investment program account. The subaccount may be
88 17 used to provide incentives to divert ~~applicants' a family's~~
88 18 participation in the family investment program if the
88 19 ~~applicants meet family meets the department's income~~
88 20 ~~eligibility requirements for assistance the diversion program.~~
88 21 Incentives may be provided in the form of payment or services
88 22 ~~with a focus on helping applicants to help a family to obtain~~
88 23 or retain employment. The diversion program subaccount may
88 24 also be used for payments to participants as necessary to
88 25 cover the expenses of removing barriers to employment and to
88 26 assist in stabilizing employment. In addition, the diversion
88 27 program subaccount may be used for funding of services and

88 28 payments for persons whose family investment program
88 29 eligibility has ended, in order to help the persons to
88 30 stabilize or improve their employment status.
88 31 b. The diversion program shall be implemented statewide in
88 32 a manner that preserves local flexibility in program design.
88 33 The department shall assess and screen individuals who would
88 34 most likely benefit from diversion program assistance. The
88 35 department may adopt additional eligibility criteria for the
89 1 diversion program as necessary for compliance with federal law
89 2 and for screening those families who would be most likely to
89 3 become eligible for the family investment program if diversion
89 4 program incentives would not be provided to the families.
89 5 Sec. 108. Section 249.3, subsection 4, paragraphs e and g,
89 6 Code 2005, are amended to read as follows:
89 7 e. Receive full medical assistance benefits under chapter
89 8 249A and are not required to meet a spend-down or pay a
89 9 premium to be eligible for such benefits.
89 10 g. Have income ~~exceeding of at least one hundred thirty-~~
89 11 ~~five twenty~~ percent of the federal poverty level but not
89 12 exceeding the medical assistance income limit for the
89 13 eligibility group for the individual person's living
89 14 arrangement.
89 15 Sec. 109. Section 249A.12, subsection 6, paragraph c, Code
89 16 2005, is amended to read as follows:
89 17 c. The person's county of legal settlement shall pay for
89 18 the nonfederal share of the cost of services provided under
89 19 the waiver, and the state shall pay for the nonfederal share
89 20 of such costs if the person ~~does not have a county of~~ has no
89 21 legal settlement or the legal settlement is unknown so that
89 22 the person is deemed to be a state case.
89 23 Sec. 110. Section 249A.12, subsection 6, Code 2005, is
89 24 amended by adding the following new paragraph:
89 25 NEW PARAGRAPH. d. The county of legal settlement shall
89 26 pay for one hundred percent of the nonfederal share of the
89 27 costs of care provided for adults which is reimbursed under a
89 28 home and community-based services waiver that would otherwise
89 29 be approved for provision in an intermediate care facility for
89 30 persons with mental retardation provided under the medical
89 31 assistance program.
89 32 Sec. 111. Section 249A.12, Code 2005, is amended by adding
89 33 the following new subsection:
89 34 NEW SUBSECTION. 7. When paying the necessary and legal
89 35 expenses for intermediate care facility for persons with
90 1 mental retardation services, the cost requirements of section
90 2 222.60 shall be considered fulfilled when payment is made in
90 3 accordance with the medical assistance payment rates
90 4 established by the department for intermediate care facilities
90 5 for persons with mental retardation, and the state or a county
90 6 of legal settlement shall not be obligated for any amount in
90 7 excess of the rates.
90 8 Sec. 112. Section 249A.24, Code 2005, is amended by adding
90 9 the following new subsection:
90 10 NEW SUBSECTION. 3. The commission shall submit an annual
90 11 review, including facts and findings, of the drugs on the
90 12 department's prior authorization list to the department and to
90 13 the members of the general assembly's joint appropriations
90 14 subcommittee on health and human services.
90 15 Sec. 113. Section 249A.26, Code 2005, is amended to read
90 16 as follows:
90 17 249A.26 STATE AND COUNTY PARTICIPATION IN FUNDING FOR
90 18 SERVICES TO PERSONS WITH DISABILITIES == CASE MANAGEMENT.
90 19 1. The state shall pay for one hundred percent of the
90 20 nonfederal share of the services paid for under any prepaid
90 21 mental health services plan for medical assistance implemented
90 22 by the department as authorized by law.
90 23 2. a. The Except as provided for disallowed costs in
90 24 section 249A.27, the county of legal settlement shall pay for
90 25 fifty percent of the nonfederal share of the cost and the
90 26 state shall have responsibility for the remaining fifty
90 27 percent of the nonfederal share of the cost of case management
90 28 provided to adults, day treatment, and partial hospitalization
90 29 provided under the medical assistance program for persons with
90 30 mental retardation, a developmental disability, or chronic
90 31 mental illness. For purposes of this section, persons with
90 32 mental disorders resulting from Alzheimer's disease or
90 33 substance abuse shall not be considered chronically mentally
90 34 ill. To the maximum extent allowed under federal law and
90 35 regulations, the department shall consult with and inform a
91 1 county of legal settlement's central point of coordination
91 2 process, as defined in section 331.440, regarding the
91 3 necessity for and the provision of any service for which the

91 4 county is required to provide reimbursement under this
91 5 subsection.

91 6 b. The state shall pay for one hundred percent of the
91 7 nonfederal share of the costs of case management provided for
91 8 adults, day treatment, partial hospitalization, and the home
91 9 and community-based services waiver services for persons who
91 10 have no legal settlement or the legal settlement is unknown so
91 11 that the persons are deemed to be state cases.

91 12 c. The case management services specified in this
91 13 subsection shall be paid for by a county only if the services
91 14 are provided outside of a managed care contract.

91 15 3. To the maximum extent allowed under federal law and
91 16 regulations, a person with mental illness or mental
91 17 retardation shall not be eligible for any service which is
91 18 funded in whole or in part by a county share of the nonfederal
91 19 portion of medical assistance funds unless the person is
91 20 referred through the central point of coordination process, as
91 21 defined in section 331.440. However, to the extent federal
91 22 law allows referral of a medical assistance recipient to a
91 23 service without approval of the central point of coordination
91 24 process, the county of legal settlement shall be billed for
91 25 the nonfederal share of costs for any adult person for whom
91 26 the county would otherwise be responsible.

91 27 4. The county of legal settlement shall pay for one
91 28 hundred percent of the nonfederal share of the cost of
91 29 services provided to persons with chronic mental illness
91 30 implemented under the adult rehabilitation option of the state
91 31 medical assistance plan. The state shall pay for one hundred
91 32 percent of the nonfederal share of the cost of such services
91 33 provided to such persons ~~without a county of who have no legal~~
91 34 ~~settlement or the legal settlement is unknown so that the~~
91 35 ~~persons are deemed to be state cases.~~

92 1 5. The state shall pay for the entire nonfederal share of
92 2 the costs for case management services provided to persons
92 3 seventeen years of age or younger who are served in a home and
92 4 community-based services waiver program under the medical
92 5 assistance program for persons with mental retardation.

92 6 6. Funding under the medical assistance program shall be
92 7 provided for case management services for eligible persons
92 8 seventeen years of age or younger residing in counties with
92 9 child welfare decategorization projects implemented in
92 10 accordance with section 232.188, provided these projects have
92 11 included these persons in the service plan and the
92 12 decategorization project county is willing to provide the
92 13 nonfederal share of the costs.

92 14 7. Unless a county has paid or is paying for the
92 15 nonfederal share of the costs of a person's home and
92 16 community-based waiver services or placement in an
92 17 intermediate care facility for persons with mental retardation
92 18 under the county's mental health, mental retardation, and
92 19 developmental disabilities services fund, or unless a county
92 20 of legal settlement would become liable for the costs of
92 21 services for a person at the level of care provided in an
92 22 intermediate care facility for persons with mental retardation
92 23 due to the person reaching the age of majority, the state
92 24 shall pay for the nonfederal share of the costs of an eligible
92 25 person's services under the home and community-based services
92 26 waiver for persons with brain injury.

92 27 5- 8. If a dispute arises between different counties or
92 28 between the department and a county as to the legal settlement
92 29 of a person who receives medical assistance for which the
92 30 nonfederal share is payable in whole or in part by a county of
92 31 legal settlement, and cannot be resolved by the parties, the
92 32 dispute shall be resolved as provided in section 225C.8.

92 33 9. Notwithstanding section 8.39, the department may
92 34 transfer funds appropriated for the medical assistance program
92 35 to a separate account established in the department's case
93 1 management unit in an amount necessary to pay for expenditures
93 2 required to provide case management for mental health, mental
93 3 retardation, and developmental disabilities services under the
93 4 medical assistance program which are jointly funded by the
93 5 state and county, pending final settlement of the
93 6 expenditures. Funds received by the case management unit in
93 7 settlement of the expenditures shall be used to replace the
93 8 transferred funds and are available for the purposes for which
93 9 the funds were originally appropriated.

93 10 Sec. 114. Section 249A.26A, Code 2005, is amended to read
93 11 as follows:

93 12 249A.26A STATE AND COUNTY PARTICIPATION IN FUNDING FOR
93 13 REHABILITATION SERVICES FOR PERSONS WITH CHRONIC MENTAL
93 14 ILLNESS.

93 15 The county of legal settlement shall pay for the nonfederal
93 16 share of the cost of rehabilitation services provided under
93 17 the medical assistance program for persons with chronic mental
93 18 illness, except that the state shall pay for the nonfederal
93 19 share of such costs if the person ~~does not have a county of~~
93 20 ~~has no legal settlement or the legal settlement is unknown so~~
93 21 ~~that the person is deemed to be a state case.~~

93 22 Sec. 115. NEW SECTION. 249A.32A HOME AND COMMUNITY=BASED
93 23 SERVICES WAIVERS == LIMITATIONS.

93 24 In administering a home and community=based services
93 25 waiver, the total number of openings at any one time shall be
93 26 limited to the number approved for the waiver by the secretary
93 27 of the United States department of health and human services.
93 28 The openings shall be available on a first=come, first=served
93 29 basis.

93 30 Sec. 116. NEW SECTION. 249A.32B EARLY AND PERIODIC
93 31 SCREENING, DIAGNOSIS, AND TREATMENT FUNDING.

93 32 The department of human services, in consultation with the
93 33 Iowa department of public health and the department of
93 34 education, shall continue the program to utilize the early and
93 35 periodic screening, diagnosis, and treatment program funding
94 1 under the medical assistance program, to the extent possible,
94 2 to implement the screening component of the early and periodic
94 3 screening, diagnosis, and treatment program through the
94 4 schools. The department may enter into contracts to utilize
94 5 maternal and child health centers, the public health nursing
94 6 program, or school nurses in implementing this section.

94 7 Sec. 117. Section 249J.8, subsection 4, as enacted by 2005
94 8 Iowa Acts, House File 841, section 8, is amended to read as
94 9 follows:

94 10 4. The department shall track the impact of the out=of=
94 11 pocket expenditures on patient expansion population enrollment
94 12 and shall report the findings on at least a quarterly basis to
94 13 the medical assistance projections and assessment council
94 14 established pursuant to section 249J.19. The findings shall
94 15 include estimates of the number of expansion population
94 16 members complying with payment of required out=of=pocket
94 17 expenditures, the number of expansion population members not
94 18 complying with payment of required out=of=pocket expenditures
94 19 and the reasons for noncompliance, any impact as a result of
94 20 the out=of=pocket requirements on the provision of services to
94 21 the populations previously served, the administrative time and
94 22 cost associated with administering the out=of=pocket
94 23 requirements, and the benefit to the state resulting from the
94 24 out=of=pocket expenditures. To the extent possible, the
94 25 department shall track the income level of the member, the
94 26 health condition of the member, and the family status of the
94 27 member relative to the out=of=pocket information.

94 28 Sec. 118. Section 252B.4, subsection 3, Code 2005, is
94 29 amended to read as follows:

94 30 3. Fees collected pursuant to this section shall be
94 31 ~~retained by the department for use by~~ considered repayment
94 32 receipts, as defined in section 8.2, and shall be used for the
94 33 purposes of the unit. The director or a designee shall keep
94 34 an accurate record of ~~funds so retained~~ the fees collected and
94 35 expended.

95 1 Sec. 119. Section 252B.23, subsection 11, Code 2005, is
95 2 amended to read as follows:

95 3 11. All surcharge payments shall be received and disbursed
95 4 by the collection services center. The surcharge payments
95 5 received by the collection services center shall be considered
95 6 repayment receipts as defined in section 8.2 and shall be used
95 7 to pay the costs of any contracts with a collection entity.

95 8 Sec. 120. NEW SECTION. 252B.25 USE OF FUNDING FOR
95 9 ADDITIONAL POSITIONS.

95 10 1. The director, within the limitations of the amount
95 11 appropriated for the unit, or moneys transferred for this
95 12 purpose from the family investment program account created in
95 13 section 239B.11, may establish new positions and add employees
95 14 to the unit if the director determines that both the current
95 15 and additional employees together can reasonably be expected
95 16 to maintain or increase net state revenue at or beyond the
95 17 budgeted level for the fiscal year.

95 18 2. a. The director may establish new positions and add
95 19 state employees to the unit or contract for delivery of
95 20 services if the director determines the employees are
95 21 necessary to replace county=funded positions eliminated due to
95 22 termination, reduction, or nonrenewal of a chapter 28E
95 23 contract. However, the director must also determine that the
95 24 resulting increase in the state share of child support
95 25 recovery incentives exceeds the cost of the positions or

95 26 contract, the positions or contract are necessary to ensure
95 27 continued federal funding of the unit, or the new positions or
95 28 contract can reasonably be expected to recover at least twice
95 29 the amount of money necessary to pay the salaries and support
95 30 for the new positions or the contract will generate at least
95 31 two hundred percent of the cost of the contract.

95 32 b. Employees in full-time positions that transition from
95 33 county government to state government employment under this
95 34 subsection are exempt from testing, selection, and appointment
95 35 provisions of chapter 19A and from the provisions of
96 1 collective bargaining agreements relating to the filling of
96 2 vacant positions.

96 3 Sec. 121. Section 321J.25, subsection 1, paragraph b, Code
96 4 2005, is amended to read as follows:

96 5 b. "Program" means a substance abuse awareness program
96 6 provided under a contract entered into between the provider
96 7 and the ~~commission on substance abuse of the~~ Iowa department
96 8 of public health under chapter 125.

96 9 Sec. 122. Section 321J.25, subsection 2, unnumbered
96 10 paragraph 1, Code 2005, is amended to read as follows:

96 11 A substance abuse awareness program is established in each
96 12 of the regions established by the ~~commission on substance~~
~~96 13 abuse director of public health pursuant to section 125.12.~~

96 14 The program shall consist of an insight class and a substance
96 15 abuse evaluation, which shall be attended by the participant,
96 16 to discuss issues related to the potential consequences of
96 17 substance abuse. The parent or parents of the participant
96 18 shall also be encouraged to participate in the program. The
96 19 program provider shall consult with the participant or the
96 20 parents of the participant in the program to determine the
96 21 timing and appropriate level of participation for the
96 22 participant and any participation by the participant's
96 23 parents. The program may also include a supervised
96 24 educational tour by the participant to any or all of the
96 25 following:

96 26 Sec. 123. Section 505.25, Code 2005, is amended to read as
96 27 follows:

96 28 505.25 INFORMATION PROVIDED TO MEDICAL ASSISTANCE PROGRAM
96 29 ~~AND HAWK=I PROGRAMS.~~

96 30 A carrier, as defined in section 514C.13, shall enter into
96 31 a health insurance data match program with the department of
96 32 human services for the sole purpose of comparing the names of
96 33 the carrier's insureds with the names of recipients of the
96 34 medical assistance program under chapter 249A or enrollees of
~~96 35 the hawk=i program under chapter 514I.~~

97 1 Sec. 124. Section 514I.11, subsection 2, Code 2005, is
97 2 amended to read as follows:

97 3 2. The trust fund shall be separate from the general fund
97 4 of the state and shall not be considered part of the general
97 5 fund of the state. The moneys in the trust fund are not
97 6 subject to section 8.33 and shall not be transferred, used,
97 7 obligated, appropriated, or otherwise encumbered, except to
97 8 provide for the purposes of this chapter and except as
~~97 9 provided in subsection 4.~~ Notwithstanding section 12C.7,
97 10 subsection 2, interest or earnings on moneys deposited in the
97 11 trust fund shall be credited to the trust fund.

97 12 Sec. 125. Section 514I.11, Code 2005, is amended by adding
97 13 the following new subsections:

97 14 NEW SUBSECTION. 3. Moneys in the fund are appropriated to
97 15 the department and shall be used to offset any program costs.

97 16 NEW SUBSECTION. 4. The department may transfer moneys
97 17 appropriated from the fund to be used for the purpose of
97 18 expanding health care coverage to children under the medical
97 19 assistance program.

97 20 NEW SUBSECTION. 5. The department shall provide periodic
97 21 updates to the general assembly regarding expenditures from
97 22 the fund.

97 23 Sec. 126. Section 600.17, Code 2005, is amended by adding
97 24 the following new subsection:

97 25 NEW SUBSECTION. 3. The department of human services shall
97 26 make adoption presubsidy and adoption subsidy payments to
97 27 adoptive parents at the beginning of the month for the current
97 28 month.

97 29 Sec. 127. COMMISSION ON SUBSTANCE ABUSE == RULES. The
97 30 administrative rules adopted by the commission on substance
97 31 abuse that are in effect as of June 30, 2005, shall remain in
97 32 effect until modified or rescinded by the state board of
97 33 health.

97 34 Sec. 128. Sections 125.4, 125.5, and 125.6, Code 2005, are
97 35 repealed.

98 1 Sec. 129. EFFECTIVE DATES.

98 2 1. The amendment in this division of this Act to section
98 3 144A.13A, being deemed of immediate importance, takes effect
98 4 upon enactment.
98 5 2. The amendment in this division of this Act to section
98 6 15H.3, subsection 5, being deemed of immediate importance,
98 7 takes effect upon enactment and is retroactively applicable to
98 8 April 19, 2005.

98 9 DIVISION V

98 10 SUBSTITUTE DECISION MAKER ACT

98 11 Sec. 130. NEW SECTION. 231E.1 TITLE.

98 12 This chapter shall be known and may be cited as the "Iowa
98 13 Substitute Decision Maker Act".

98 14 Sec. 131. NEW SECTION. 231E.2 OFFICE OF SUBSTITUTE
98 15 DECISION MAKER == FINDINGS AND INTENT.

98 16 1. a. The general assembly finds that many adults in this
98 17 state are unable to meet essential requirements to maintain
98 18 their physical health or to manage essential aspects of their
98 19 financial resources and are in need of substitute decision=
98 20 making services. However, a willing and responsible person
98 21 may not be available to serve as a private substitute decision
98 22 maker or the adult may not have adequate income or resources
98 23 to compensate a private substitute decision maker.

98 24 b. The general assembly further finds that a process
98 25 should exist to assist individuals in finding alternatives to
98 26 substitute decision-making services and less intrusive means
98 27 of assistance before an individual's independence or rights
98 28 are limited.

98 29 c. The general assembly further finds that a substitute
98 30 decision maker may be necessary to finalize a person's affairs
98 31 after death when there is no willing and appropriate person
98 32 available to serve as the person's personal representative.

98 33 2. a. It is, therefore, the intent of the general
98 34 assembly to establish a state office of substitute decision
98 35 maker and authorize the establishment of local offices of
99 1 substitute decision maker to provide substitute decision=
99 2 making services to adults and their estates after their
99 3 deaths, when no private substitute decision maker is
99 4 available.

99 5 b. It is also the intent of the general assembly that the
99 6 office of substitute decision maker provide assistance to both
99 7 public and private substitute decision makers throughout the
99 8 state in securing necessary services for their wards,
99 9 principals, clients, and decedents and to assist substitute
99 10 decision makers, wards, principals, clients, courts, and
99 11 attorneys in the orderly and expeditious handling of
99 12 substitute decision-making proceedings.

99 13 Sec. 132. NEW SECTION. 231E.3 DEFINITIONS.

99 14 As used in this chapter, unless the context otherwise
99 15 requires:

99 16 1. "Client" means an individual for whom a representative
99 17 payee is appointed.

99 18 2. "Commission" means the commission of elder affairs.

99 19 3. "Conservator" means conservator as defined in section
99 20 633.3.

99 21 4. "Court" means court as defined in section 633.3.

99 22 5. "Decedent" means the individual for whom an estate is
99 23 administered or executed.

99 24 6. "Department" means the department of elder affairs
99 25 established in section 231.21.

99 26 7. "Director" means the director of the department of
99 27 elder affairs.

99 28 8. "Estate" means estate as defined in section 633.3.

99 29 9. "Guardian" means guardian as defined in section 633.3.

99 30 10. "Incompetent" means incompetent as defined in section
99 31 633.3.

99 32 11. "Local office" means a local office of substitute
99 33 decision maker.

99 34 12. "Local substitute decision maker" means an individual
99 35 under contract with the department to act as a substitute
100 1 decision maker.

100 2 13. "Personal representative" means personal
100 3 representative as defined in section 633.3.

100 4 14. "Planning and service area" means a geographic area of
100 5 the state designated by the commission for the purpose of
100 6 planning, developing, delivering, and administering services
100 7 for elders.

100 8 15. "Power of attorney" means a durable power of attorney
100 9 for health care as defined in section 144B.1 or a power of
100 10 attorney that becomes effective upon the disability of the
100 11 principal as described in section 633.705.

100 12 16. "Principal" means an individual for whom a power of

100 13 attorney is established.

100 14 17. "Representative payee" means an individual appointed
100 15 by a government entity to receive funds on behalf of a client
100 16 pursuant to federal regulation.

100 17 18. "State agency" means any executive department,
100 18 commission, board, institution, division, bureau, office,
100 19 agency, or other executive entity of state government.

100 20 19. "State office" means the state office of substitute
100 21 decision maker.

100 22 20. "State substitute decision maker" means the
100 23 administrator of the state office of substitute decision
100 24 maker.

100 25 21. "Substitute decision maker" means a guardian,
100 26 conservator, representative payee, attorney in fact under a
100 27 power of attorney, or personal representative.

100 28 22. "Substitute decision making" or "substitute decision=
100 29 making services" means the provision of services of a
100 30 guardian, conservator, representative payee, attorney in fact
100 31 under a power of attorney, or personal representative.

100 32 23. "Ward" means the individual for whom a guardianship or
100 33 conservatorship is established.

100 34 Sec. 133. NEW SECTION. 231E.4 STATE OFFICE OF SUBSTITUTE
100 35 DECISION MAKER == ESTABLISHED == DUTIES == DEPARTMENT RULES.

101 1 1. A state office of substitute decision maker is
101 2 established within the department to create and administer a
101 3 statewide network of substitute decision makers who provide
101 4 substitute decision-making services if other substitute
101 5 decision makers are not available to provide the services.

101 6 2. The director shall appoint an administrator of the
101 7 state office who shall serve as the state substitute decision
101 8 maker. The state substitute decision maker shall be qualified
101 9 for the position by training and expertise in substitute
101 10 decision-making law. The state substitute decision maker
101 11 shall also have knowledge of social services available to meet
101 12 the needs of persons adjudicated incompetent or in need of
101 13 substitute decision making.

101 14 3. The state office shall do all of the following:

101 15 a. Select persons through a request for proposals process
101 16 to establish local offices of substitute decision maker in
101 17 each of the planning and service areas. Local offices shall
101 18 be established statewide on or before July 1, 2015.

101 19 b. Monitor and terminate contracts with local offices
101 20 based on criteria established by rule of the department.

101 21 c. Retain oversight responsibilities for all local
101 22 substitute decision makers.

101 23 d. Act as substitute decision maker if a local office is
101 24 not available to so act.

101 25 e. Work with the department of human services, the Iowa
101 26 department of public health, the governor's developmental
101 27 disabilities council, and other agencies to establish a
101 28 referral system for the provision of substitute decision=
101 29 making services.

101 30 f. Develop and maintain a current listing of public and
101 31 private services and programs available to assist wards,
101 32 principals, clients, personal representatives, and their
101 33 families and establish and maintain relationships with public
101 34 and private entities to assure the availability of effective
101 35 substitute decision-making services for wards, principals,
102 1 clients, and estates.

102 2 g. Provide information and referrals to the public
102 3 regarding substitute decision-making services.

102 4 h. Provide personal representatives for estates where a
102 5 person is not available for that purpose.

102 6 i. Maintain statistical data on the local offices
102 7 including various methods of funding, the types of services
102 8 provided, and the demographics of the wards, principals,
102 9 clients, and decedents and report to the general assembly on
102 10 or before November 1, annually, regarding the local offices
102 11 and recommend any appropriate legislative action.

102 12 j. Develop, in cooperation with the judicial council as
102 13 established in section 602.1202, a substitute decision-maker
102 14 education and training program. The program may be offered to
102 15 both public and private substitute decision makers. The state
102 16 office shall establish a curriculum committee, which includes
102 17 but is not limited to probate judges, to develop the education
102 18 and training program.

102 19 4. The state office may do any of the following:

102 20 a. Accept and receive gifts, grants, or donations from any
102 21 public or private entity in support of the state office.

102 22 b. Accept the services of individual volunteers and
102 23 volunteer organizations.

102 24 c. Employ staff necessary to administer the state office
102 25 and enter into contracts as necessary.

102 26 5. The department shall provide administrative support to
102 27 the state office.

102 28 6. The department shall adopt rules in accordance with
102 29 chapter 17A necessary to create and administer the state and
102 30 local offices, relating to but not limited to all of the
102 31 following:

102 32 a. An application and intake process and standards for
102 33 receipt of substitute decision-making services from the state
102 34 or a local office.

102 35 b. A process for the removal or termination of the state
103 1 or a local substitute decision maker.

103 2 c. An ideal range of staff-to-client ratios for the state
103 3 and local substitute decision makers.

103 4 d. Minimum training and experience requirements for
103 5 professional staff and volunteers.

103 6 e. A fee schedule. The department may establish by rule a
103 7 schedule of reasonable fees for the costs of substitute
103 8 decision-making services provided under this chapter. The fee
103 9 schedule established may be based upon the ability of the
103 10 ward, principal, client, or estate to pay for the services but
103 11 shall not exceed the actual cost of providing the services.
103 12 The state office or a local office may waive collection of a
103 13 fee upon a finding that collection is not economically
103 14 feasible. The rules may provide that the state office or a
103 15 local office may investigate the financial status of a ward,
103 16 principal, or client who, or an estate that requests
103 17 substitute decision-making services or for whom or which the
103 18 state or a local substitute decision maker has been appointed
103 19 for the purpose of determining the fee to be charged by
103 20 requiring the ward, principal, client, or estate to provide
103 21 any written authorizations necessary to provide access to
103 22 records of public or private sources, otherwise confidential,
103 23 needed to evaluate the individual's or estate's financial
103 24 eligibility. The rules may also provide that the state or a
103 25 local substitute decision maker may, upon request and without
103 26 payment of fees otherwise required by law, obtain information
103 27 necessary to evaluate the individual's or estate's financial
103 28 eligibility from any office of the state or of a political
103 29 subdivision or agency of the state that possesses public
103 30 records. In estate proceedings, the state or local decision
103 31 maker shall be compensated pursuant to chapter 633, division
103 32 III, part 8.

103 33 f. Standards and performance measures for evaluation of
103 34 local offices.

103 35 g. Recordkeeping and accounting procedures to ensure that
104 1 the state office and local offices maintain confidential,
104 2 accurate, and up-to-date financial, case, and statistical
104 3 records. The rules shall require each local office to file
104 4 with the state office, on an annual basis, an account of all
104 5 public and private funds received and a report regarding the
104 6 operations of the local office for the preceding fiscal year.

104 7 h. Procedures for the sharing of records held by the court
104 8 or a state agency with the state office, which are necessary
104 9 to evaluate the state office or local offices, to assess the
104 10 need for additional substitute decision makers, or to develop
104 11 required reports.

104 12 Sec. 134. NEW SECTION. 231E.5 LOCAL OFFICE OF SUBSTITUTE
104 13 DECISION MAKER.

104 14 1. The state substitute decision maker shall select
104 15 persons to provide local substitute decision-making services
104 16 in each of the planning and service areas, based upon a
104 17 request for proposals process developed by the department.

104 18 2. The local office shall comply with all requirements
104 19 established for the local office by the department and shall
104 20 do all of the following:

104 21 a. Maintain a staff of professionally qualified
104 22 individuals to carry out the substitute decision-making
104 23 functions.

104 24 b. Identify client needs and local resources to provide
104 25 necessary support services to recipients of substitute
104 26 decision-making services.

104 27 c. Collect program data as required by the state office.

104 28 d. Meet standards established for the local office.

104 29 e. Comply with minimum staffing requirements and caseload
104 30 restrictions.

104 31 f. Conduct background checks on employees and volunteers.

104 32 g. With regard to a proposed ward, the local office shall
104 33 do all of the following:

104 34 (1) Determine the most appropriate form of substitute

104 35 decision making needed, if any, giving preference to the least
105 1 restrictive alternative.

105 2 (2) Determine whether the needs of the proposed ward
105 3 require the appointment of guardian or conservator.

105 4 (3) Assess the financial resources of the proposed ward
105 5 based on the information supplied to the local office at the
105 6 time of the determination.

105 7 (4) Inquire and, if appropriate, search to determine
105 8 whether any other person may be willing and able to serve as
105 9 the proposed ward's guardian or conservator.

105 10 (5) Determine the form of guardianship or conservatorship
105 11 to request of a court, if any, giving preference to the least
105 12 restrictive form.

105 13 (6) If determined necessary, file a petition for the
105 14 appointment of a guardian or conservator pursuant to chapter
105 15 633.

105 16 h. With regard to an estate, the local office may appoint
105 17 a personal representative to file a petition to open an estate
105 18 who shall do all of the following:

105 19 (1) Retain legal counsel as described in section 231E.11
105 20 to be compensated from the proceeds of the estate pursuant to
105 21 chapter 633, division III, part 8.

105 22 (2) Liquidate all assets of the estate.

105 23 (3) Distribute the assets of the estate pursuant to
105 24 chapter 633, division VII, parts 7 and 8, and other applicable
105 25 provisions of law.

105 26 3. A local office may do any of the following:

105 27 a. Contract for or arrange for provision of services
105 28 necessary to carry out the duties of a local substitute
105 29 decision maker.

105 30 b. Accept the services of volunteers or consultants and
105 31 reimburse them for necessary expenses.

105 32 c. Employ staff and delegate to members of the staff the
105 33 powers and duties of the local substitute decision maker.

105 34 However, the local office shall retain responsibility for the
105 35 proper performance of the delegated powers and duties. All
106 1 delegations shall be to persons who meet the eligibility
106 2 requirements of the specific type of substitute decision
106 3 maker.

106 4 4. An individual acting as the state or a local substitute
106 5 decision maker shall comply with applicable requirements for
106 6 guardians, conservators, or personal representatives pursuant
106 7 to chapter 633, attorneys in fact under a power of attorney
106 8 pursuant to chapter 633 or a durable power of attorney for
106 9 health care pursuant to chapter 144B, or representative payees
106 10 pursuant to federal law and regulations.

106 11 5. Notwithstanding any provision to the contrary, an
106 12 individual acting as the state or a local substitute decision
106 13 maker shall not be subject to the posting of a bond pursuant
106 14 to chapter 633. An individual acting as the state or a local
106 15 substitute decision maker shall complete at least eight hours
106 16 of training annually as certified by the department.

106 17 Sec. 135. NEW SECTION. 231E.6 COURT=INITIATED OR
106 18 PETITION=INITIATED APPOINTMENT OF STATE OR LOCAL SUBSTITUTE
106 19 DECISION MAKER == GUARDIANSHIP OR CONSERVATORSHIP ==
106 20 DISCHARGE.

106 21 The court may appoint on its own motion or upon petition of
106 22 any person, the state office or local office of substitute
106 23 decision maker, to serve as guardian or conservator for any
106 24 proposed ward in cases in which the court determines that the
106 25 proceeding will establish the least restrictive form of
106 26 substitute decision making suitable for the proposed ward and
106 27 if the proposed ward meets all of the following criteria:

106 28 1. Is a resident of the planning and service area in which
106 29 the local office is located from which services would be
106 30 provided or is a resident of the state, if the state office
106 31 would provide the services.

106 32 2. Is eighteen years of age or older.

106 33 3. Does not have suitable family or another appropriate
106 34 entity willing and able to serve as guardian or conservator.

106 35 4. Is incompetent.

107 1 5. Is an individual for whom guardianship or
107 2 conservatorship services are the least restrictive means of
107 3 meeting the individual's needs.

107 4 Sec. 136. NEW SECTION. 231E.7 SUBSTITUTE DECISION MAKER=
107 5 INITIATED APPOINTMENT.

107 6 The state office or local office may on its own motion or
107 7 at the request of the court intervene in a guardianship or
107 8 conservatorship proceeding if the state office or local office
107 9 or the court considers the intervention to be justified
107 10 because of any of the following:

107 11 1. An appointed guardian or conservator is not fulfilling
107 12 prescribed duties or is subject to removal under section
107 13 633.65.

107 14 2. A willing and qualified guardian or conservator is not
107 15 available.

107 16 3. The best interests of the ward require the
107 17 intervention.

107 18 Sec. 137. NEW SECTION. 231E.8 PROVISIONS APPLICABLE TO
107 19 ALL APPOINTMENTS AND DESIGNATIONS == DISCHARGE.

107 20 1. The court shall only appoint or intervene on its own
107 21 motion or act upon the petition of any person under section
107 22 231E.6 or 231E.7 if such appointment or intervention would
107 23 comply with staffing ratios established by the department and
107 24 if sufficient resources are available to the state office or
107 25 local office. Notice of the proposed appointment shall be
107 26 provided to the state office or local office prior to the
107 27 granting of such appointment.

107 28 2. The state office or local office shall maintain
107 29 reasonable personal contact with each ward, principal, or
107 30 client for whom the state office or local office is appointed
107 31 or designated in order to monitor the ward's, principal's, or
107 32 client's care and progress. For any estates in which the
107 33 state office or local office is involved, the state office or
107 34 local office shall move estate proceedings forward in a
107 35 reasonable and expeditious manner and shall monitor the
108 1 progress of any legal counsel retained on a regular basis.

108 2 3. Notwithstanding any provision of law to the contrary,
108 3 the state office or local office appointed by the court or
108 4 designated under a power of attorney document may access all
108 5 confidential records concerning the ward or principal for whom
108 6 the state office or local office is appointed or designated,
108 7 including medical records and abuse reports.

108 8 4. In any proceeding in which the state or local office is
108 9 appointed or is acting as guardian or conservator, the court
108 10 shall waive court costs or filing fees, if the state office or
108 11 local office certifies to the court that the state office or
108 12 local office has waived its fees in their entirety based upon
108 13 the ability of the ward to pay for the services of the state
108 14 office or local office. In any estate proceeding, the court
108 15 costs shall be paid in accordance with chapter 633, division
108 16 VII, part 7.

108 17 5. The state or a local substitute decision maker shall be
108 18 subject to discharge or removal, by the court, on the grounds
108 19 and in the manner in which other guardians, conservators, or
108 20 personal representatives are discharged or removed pursuant to
108 21 chapter 633.

108 22 Sec. 138. NEW SECTION. 231E.9 FEES == APPROPRIATED.

108 23 Fees received by the state office and by local offices for
108 24 services provided as state or local substitute decision maker
108 25 shall be deposited in the general fund of the state and the
108 26 amounts received are appropriated to the department for the
108 27 purposes of administering this chapter.

108 28 Sec. 139. NEW SECTION. 231E.10 CONFLICTS OF INTEREST ==
108 29 LIMITATIONS.

108 30 Notwithstanding section 633.63 or any other provision to
108 31 the contrary, a local substitute decision maker shall not
108 32 provide direct services to or have an actual or the appearance
108 33 of any conflict of interest relating to any individual for
108 34 whom the local substitute decision maker acts in a substitute
108 35 decision-making capacity unless such provision of direct
109 1 services or the appearance of a conflict of interest is
109 2 approved and monitored by the state office in accordance with
109 3 rules adopted by the department.

109 4 Sec. 140. NEW SECTION. 231E.11 DUTY OF ATTORNEY GENERAL,
109 5 COUNTY ATTORNEY, OR OTHER COUNSEL.

109 6 1. The attorney general shall advise the state office on
109 7 legal matters and represent the state office in legal
109 8 proceedings.

109 9 2. Upon the request of the attorney general, a county
109 10 attorney may represent the state office or a local office in
109 11 connection with the filing of a petition for appointment as
109 12 guardian or conservator and with routine, subsequent
109 13 appearances.

109 14 3. A local attorney experienced in probate matters may
109 15 represent the personal representative for all routine matters
109 16 associated with probating an estate.

109 17 Sec. 141. NEW SECTION. 231E.12 LIABILITY.

109 18 All employees and volunteers of the state office and local
109 19 offices operating under this chapter and other applicable
109 20 chapters and pursuant to rules adopted under this and other
109 21 applicable chapters are considered employees of the state and

109 22 state volunteers for the purposes of chapter 669 and shall be
109 23 afforded protection under section 669.21 or 669.24, as
109 24 applicable. This section does not relieve a guardian or
109 25 conservator from performing duties prescribed under chapter
109 26 633.

109 27 Sec. 142. NEW SECTION. 231E.13 IMPLEMENTATION.

109 28 Implementation of this chapter is subject to availability
109 29 of funding as determined by the department. The department
109 30 shall notify the Code editor upon implementation of this
109 31 chapter.

109 32 Sec. 143. Section 235B.6, subsection 2, paragraph e, Code
109 33 2005, is amended by adding the following new subparagraph:
109 34 NEW SUBPARAGRAPH. (11) The state office or a local office
109 35 of substitute decision maker as defined in section 231E.3,
110 1 appointed by the court as a guardian or conservator of the
110 2 adult named in a report as the victim of abuse or the person
110 3 designated to be responsible for performing or obtaining
110 4 protective services on behalf of a dependent adult pursuant to
110 5 section 235B.18.

110 6 Sec. 144. Section 633.63, subsection 3, Code 2005, is
110 7 amended to read as follows:

110 8 3. A private nonprofit corporation organized under chapter
110 9 504, Code 1989, or current chapter 504 or 504A is qualified to
110 10 act as a guardian, as defined in section 633.3, ~~subsection 20,~~
110 11 or a conservator, as defined in section 633.3, ~~subsection 7,~~
110 12 ~~where the assets subject to the conservatorship at the time~~
110 13 ~~when such corporation is appointed conservator are less than~~
110 14 ~~or equal to seventy-five thousand dollars and if the~~
110 15 corporation does not possess a proprietary or legal interest
110 16 in an organization which provides direct services to the
110 17 individual.

110 18 Sec. 145. Section 633.63, Code 2005, is amended by adding
110 19 the following new subsection:

110 20 NEW SUBSECTION. 4. The state or a local substitute
110 21 decision maker as defined in section 231E.3 is authorized to
110 22 act in a fiduciary capacity in this state in accordance with
110 23 chapter 231E.

110 24 DIVISION VI

110 25 LONG-TERM LIVING SYSTEM

110 26 Sec. 146. NEW SECTION. 231F.1 INTENT FOR IOWA'S LONG=
110 27 TERM LIVING SYSTEM.

110 28 1. The general assembly finds and declares that the intent
110 29 for Iowa's long-term living system is to ensure all Iowans
110 30 access to an extensive range of high-quality, affordable, and
110 31 cost-effective long-term living options that maximize
110 32 independence, choice, and dignity for consumers.

110 33 2. The long-term living system should be comprehensive,
110 34 offering multiple services and support in home, community=
110 35 based, and facility-based settings; should utilize a uniform
111 1 assessment process to ensure that such services and support
111 2 are delivered in the most integrated and life-enhancing
111 3 setting; and should ensure that such services and support are
111 4 provided by a well-trained, motivated workforce.

111 5 3. The long-term living system should exist in a
111 6 regulatory climate that appropriately ensures the health,
111 7 safety, and welfare of consumers, while not being overly
111 8 restrictive or inflexible.

111 9 4. The long-term living system should sustain existing
111 10 informal care systems including family, friends, volunteers,
111 11 and community resources; should encourage innovation through
111 12 the use of technology and new delivery and financing models,
111 13 including housing; should provide incentives to consumers for
111 14 private financing of long-term living services and support;
111 15 and should allow Iowans to live independently as long as they
111 16 desire.

111 17 5. Information regarding all components of the long-term
111 18 living system should be effectively communicated to all
111 19 persons potentially impacted by the need for long-term living
111 20 services and support in order to empower consumers to plan,
111 21 evaluate, and make decisions about how best to meet their own
111 22 long-term living needs.

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111 26 _____
CHRISTOPHER C. RANTS

111 27 Speaker of the House

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JOHN P. KIBBIE

President of the Senate

111 33
111 34 I hereby certify that this bill originated in the House and
111 35 is known as House File 825, Eighty-first General Assembly.
112 1
112 2
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112 4 _____
112 5 MARGARET THOMSON
112 6 Chief Clerk of the House
112 7 Approved _____, 2005
112 8
112 9 _____
112 10 THOMAS J. VILSACK
112 11 Governor